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ABSTRACT

This report on the House of Representatives hearing on the Tribally Controlled Community College Assistance Act (Public Law 95-471), the major purpose of which is to provide grants for the operation and improvement of tribally controlled community colleges to insure the continued and expanded educational opportunities for Indian students, begins with the text of the 1978 Act and continues with an introductory statement by the House subcommittee chairman. Testimony and prepared statements follow on the operation and effects of the Act, the role of tribally controlled community colleges; institutional successes and problems; and the characteristics and accomplishments of specific institutions. Statements, and in some cases, responses to questions by subcommittee members, are provided by LeRoy Clifford, executive director, American Indian Higher Education Consortium; Joe McDonald, president, Salish-Kootenai Community College; Gerald Monette, president, Turtle Mountain Community College; Steve Baldy, president, D-Q University; Elgin Bad Wound, president, Oglala Sioux Community College; Lionel Bordeaux, president, Sinte Gleska Community College; Daniel Honahni, president, College of Ganado; and Dean Jackson, president, Navajo Community College. The House report also contains materials submitted for the record by participants and interested parties, including information on the demographics, finances, and programs of several colleges and a detailed statement from Michael Olivas on the operation and possible changes in the Act. An appendix provides the legislative history of the Act. (HB)

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OVERSIGHT HEARING ON TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT

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HEARING

BEFORE THE

SUBCOMMITTEE ON POSTSECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, D.C. ON JULY 23, 1981

Printed for the use of the Committee on Education and Labor

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OVERSIGHT HEARING ON TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT

THURSDAY, JULY 23, 1981

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON POSTSECONDARY EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The committee met, pursuant to call, at 9:25 a.m., in room 2261, Rayburn House Office Building, Hon. Paul Simon (chairman of the subcommittee) presiding.

Members present: Representatives Simon, Kildee, Erdahl, and DeNardis.

Staff present: William Blakey, majority counsel; Jan Crull, Jr., majority staff; and Betsy Brand, minority legislative associate.

Mr. SIMON. The subcommittee hearing will come to order.

We are holding oversight hearings today on Public Law 95-471, Tribally Controlled Indian Community College.

[The text of Public Law 95-471 follows:]

Public Law 95-471
95th Congress

An Act

To provide for grants to tribally controlled community colleges, and for other purposes.

Oct. 17, 1978
[S. 1215]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tribally Controlled Community College Assistance Act of 1978".

Tribally Controlled Community College Assistance Act of 1978
25 USC 1801 note.

DEFINITIONS

25 USC 1801

(1) "Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior;

(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(4) "tribally controlled community college" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

(5) "institution of higher education" means an institution of higher education as defined by section 1201(a) of the Higher Education Act of 1965, except that clause (2) of such section shall not be applicable;

20 USC 1141.

(6) "national Indian organization" means an organization which the Secretary finds is nationally based, represents a substantial Indian constituency, and has expertise in the field of Indian education; and

(7) "full-time equivalent Indian student" means the number of Indians enrolled full-time, and the full-time equivalent of the number of Indians enrolled part-time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by twelve) in each tribally controlled community college, calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term.

TITLE I—TRIBALLY CONTROLLED COMMUNITY COLLEGES

PURPOSE

SEC. 101. It is the purpose of this title to provide grants for the operation and improvement of tribally controlled community colleges to insure continued and expanded educational opportunities for Indian students.

25 USC 1802.

GRANTS AUTHORIZED

25 USC 1803.

SEC. 102. (a) The Secretary is authorized to make grants pursuant to this title to tribally controlled community colleges to aid in the post-secondary education of Indian students.

(b) Grants made pursuant to this title shall go into the general operating funds of the institution to defray the expense of activities related to education programs for Indian students. Funds provided pursuant to this title shall not be used in connection with religious worship or sectarian instruction.

ELIGIBLE GRANT RECIPIENTS

25 USC 1804.

SEC. 103. To be eligible for assistance under this title, a tribally controlled community college must be one which—

(1) is governed by a board of directors or board of trustees a majority of which are Indians;

(2) demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and

(3) if in operation for more than one year, has students a majority of whom are Indians.

TECHNICAL ASSISTANCE CONTRACTS

25 USC 1805.

SEC. 104. The Secretary shall provide, upon request, technical assistance to tribally controlled community colleges either directly or through contract. In the awarding of contracts for technical assistance, preference shall be given to an organization designated by the tribally controlled community college to be assisted. No authority to enter into contracts provided by this section shall be effective except to the extent authorized in advance by appropriations Acts.

FEASIBILITY STUDIES

Agreement.
25 USC 1806.

SEC. 105. (a) The Secretary is authorized to enter into an agreement with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to assist the Bureau of Indian Affairs in developing plans, procedures, and criteria for conducting the feasibility studies required by this section. Such agreement shall provide for continuing technical assistance in the conduct of such studies.

Feasibility study.

(b) The Secretary, within thirty days after a request by any Indian tribe, shall initiate a feasibility study to determine whether there is justification to encourage and maintain a tribally controlled community college, and, upon a positive determination, shall aid in the preparation of grant applications and related budgets which will insure successful operation of such an institution.

(c) Funds to carry out the purposes of this section for any fiscal year may be drawn from either—

(1) general administrative appropriations to the Secretary made after the date of enactment of this Act for such fiscal year; or

(2) not more than 10 per centum of the funds appropriated to carry out section 106 for such fiscal year.

GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES

SEC. 106. (a) Grants shall be made under this title only in response to applications by tribally controlled community colleges. Such applications shall be submitted at such time, in such manner, and will contain or be accompanied by such information as the Secretary may reasonably require pursuant to regulations. The Secretary shall not consider any grant application unless a feasibility study has been conducted under section 105 and it has been found that the applying community college will service a reasonable student population. 25 USC 1807.

(b) The Secretary shall consult with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to determine the reasonable number of students required to support a tribally controlled community college. Consideration shall be given to such factors as tribal and cultural differences, isolation, the presence of alternate education sources, and proposed curriculum.

(c) Priority in grants shall be given to institutions which are operating on the date of enactment of this Act and which have a history of service to the Indian people. In the first year for which funds are appropriated to carry out this section, the number of grants shall be limited to not less than eight nor more than fifteen.

(d) In making grants pursuant to this section, the Secretary shall, to the extent practicable, consult with national Indian organizations and with tribal governments chartering the institutions being considered.

(e) The Secretary shall report to Congress on January 15 of each year the current status of tribally controlled community colleges and his recommendations for needed action. Report to Congress.

AMOUNT OF GRANTS

SEC. 107. (a) Except as provided in section 110, the Secretary shall, for each academic year, grant to each tribally controlled community college having an application approved by him, an amount equal to $4,000 for each full-time equivalent Indian student in attendance at such college during such academic year, as determined by the Secretary in accordance with such regulations as he may prescribe, except that no grant shall exceed the total annual cost of the education program provided by such college. 25 USC 1808.

(b) The Secretary shall make payments, pursuant to grants under this title, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

(c)(1) Each institution receiving payments under this title shall annually provide to the Secretary an accurate and detailed accounting of its operating and maintenance expenses and such other information concerning costs as the Secretary may request.

(2) The Secretary shall, in consultation with the National Center for Education Statistics, establish a data collection system for the purpose of obtaining accurate information with respect to the needs and costs of operation and maintenance of tribally controlled community colleges. The Secretary shall report annually to the Congress on such needs. Report to Congress.

EFFECT ON OTHER PROGRAMS

25 USC 1809.

SEC. 108. Except as specifically provided in this title, eligibility for assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

20 USC 1001 *et seq.*

APPROPRIATIONS AUTHORIZED

25 USC 1810.

SEC. 109. (a) (1) There are authorized to be appropriated, for carrying out section 106, $25,000,000 for each of the fiscal years beginning October 1, 1979, and October 1, 1980, and $30,000,000 for the fiscal year beginning October 1, 1981.

(2) There are authorized to be appropriated $3,200,000 for each of such three fiscal years, for the provision of technical assistance pursuant to section 104.

(b) Unless otherwise provided in appropriations Acts, funds appropriated pursuant to this section shall remain available until expended.

(c) Nothing in this title shall be deemed to authorize appropriations for the fiscal year beginning October 1, 1978.

GRANT ADJUSTMENTS

25 USC 1811.

SEC. 110. (a) If the sums appropriated for any fiscal year for grants under this title are not sufficient to pay in full the total amounts which approved grant applicants are eligible to receive under this title for that fiscal year, the amounts which such applicants are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for the same fiscal year, such reduced amounts shall be increased on the same basis as they were reduced. Sums appropriated in excess of the amount necessary to pay in full such total eligible amounts shall be allocated by ratably increasing such total eligible amounts.

(b) In any fiscal year in which the amounts for which grant recipients are eligible to receive have been reduced under the first sentence of subsection (a) of this section, and in which additional funds have not been made available to pay in full the total of such amounts under the second sentence of such subsection, each grantee shall report to the Secretary any unused portion of received funds ninety days prior to the grant expiration date. The amounts so reported by any grant recipient shall be made available for reallocation to eligible grantees on a basis proportionate to the amount which is unfunded as a result of the ratable reduction, but no grant recipient shall receive, as a result of such reallocation, more than the amount provided for under section 106(a) of this title.

REPORT ON CURRENT FACILITIES

Report to Congress.
25 USC 1812.

SEC. 111. The Secretary shall, not later than ninety days after the date of enactment of this Act, prepare and submit a report to the Congress containing a survey of existing and planned physical facilities of tribally controlled community colleges, including in his report a survey of Bureau of Indian Affairs existing and planned facilities which may be used for tribally controlled community colleges without disruption of current Bureau programs.

STUDY OF FACILITIES NEEDS

SEC. 112. The Secretary shall conduct a detailed survey and study of the academic facilities needs of tribally controlled community colleges and shall report to the Congress not later than November 1, 1979, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of any such college and by the governing body of the tribe, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need. 25 USC 1813.

MISCELLANEOUS PROVISIONS

SEC. 113. (a) The Navajo Tribe shall not be eligible to participate under the provisions of this title. 25 USC 1814.

(b)(1) The Secretary shall not provide any funds to any institution which denies admission to any Indian student because such individual is not a member of a specific Indian tribe, or which denies admission to any Indian student because such individual is a member of a specific tribe.

(2) The Secretary shall take steps to recover any unexpended and unobligated funds provided under this title held by an institution determined to be in violation of paragraph (1).

RULES AND REGULATIONS

SEC. 114. (a) Within four months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national Indian organizations to consider and formulate appropriate rules and regulations for the conduct of the grant program established by this title. 25 USC 1815.

(b) Within six months from the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties. Publication in Federal Register.

(c) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations for the conduct of the grant program established by this title.

(d) Funds to carry out the purposes of this section may be drawn from general administrative appropriations to the Secretary made after the date of enactment of this Act.

TITLE II—NAVAJO COMMUNITY COLLEGE

SHORT TITLE

SEC. 201. This title may be cited as the "Navajo Community College Assistance Act of 1978". Navajo Community College Assistance Act of 1978. 25 USC 640a note.

CONGRESSIONAL FINDINGS

SEC. 202. The Congress after careful study and deliberation, finds that— 25 USC 640a note.

(1) the Navajo Tribe constitutes the largest American Indian tribe in the United States;

(2) the Navajo Tribe has, through its duly constituted tribal council and representatives, established a community college within the boundaries of the reservation;

(3) the population of the Navajo Tribe and the land area of the Navajo reservation requires that the Navajo Community College expand to better serve the needs of such population; and

(4) the Congress has already recognized the need for this institution by the passage of the Navajo Community College Act.

AMENDMENT

SEC. 203. (a) The Navajo Community College Act (25 U.S.C. 640c) is amended by striking out section 4 and inserting in lieu thereof the following:

"STUDY OF FACILITIES NEEDS

Report to Congress. 25 USC 640c.

"SEC. 4. (a) The Secretary shall conduct a detailed survey and study of the academic facilities needs of the Navajo Community College, and shall report to the Congress not later than August 1, 1979, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of such College and by the governing body of the Navajo tribe, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need.

"(b) Funds to carry out the purposes of this section may be drawn from general administrative appropriations to the Secretary made after the date of enactment of the Tribally Controlled Community College Assistance Act of 1978.

"AUTHORIZATION OF APPROPRIATIONS

25 USC 640c-1.

"SEC. 5. (a)(1) For the purpose of making construction grants under this Act, there are hereby authorized to be appropriated such sums as may be necessary for the fiscal year beginning October 1, 1979, and for the two succeeding fiscal years.

"(2) Sums appropriated pursuant to this subsection for construction shall, unless otherwise provided in appropriations Acts, remain available until expended.

"(b)(1) There is further authorized to be appropriated for grants to the Navajo Community College, for any fiscal year beginning on or after October 1, 1979, for operation and maintenance of the college, an amount equal to $4,000 for each full-time equivalent Indian student (determined in accordance with section 2(7) of the Tribally Controlled Community College Assistance Act of 1978) which the Secretary of the Interior estimates will be in attendance at such college during such year.

"(2) No grant under this subsection shall exceed—

"(A) $4,000 for each such full-time equivalent Indian student in actual attendance at such college; or

"(B) the total annual cost of the education program provided by such college,

whichever is less.

"(3) The Secretary shall make payments, pursuant to grants under this subsection, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other fac-

tors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

"(c) The Secretary of the Interior is authorized and directed to establish by rule procedures to insure that all funds appropriated under this Act are properly identified for grants to the Navajo Community College and that such funds are not commingled with appropriations historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries.".

(b) Nothing in this title or in the amendment made by this title shall be deemed to authorize appropriations for the fiscal year beginning October 1, 1978. 25 USC 640c-1 note.

Approved October 17, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1558, accompanying H.R. 9158 (Comm. on Education and Labor).
SENATE REPORT No. 95-582 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 123 (1977): Nov. 4, considered and passed Senate.
Vol. 124 (1978): Sept. 26, H.R. 9158 considered and passed House; passage vacated and S. 1215, amended, passed in lieu.
Oct. 3, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 14, No. 41 (1978): Oct. 17, Presidential statement.

Mr. SIMON. Here I would like to pay tribute to our former colleague, Mike Blouin, who pioneered in this area, and to our colleague, Dale Kildee, who has been following through in this particular area.

Because of the geographical isolation of Indian reservations, and because of the unique needs of Indian students, Congress determined that traditional postsecondary educational opportunities are sometimes unavailable or inappropriate for the Indian high school graduates. Many Indian students have suffered academically due to several factors:

First, the nature and quality of their previous education;

Second, institutional racism coupled with the experience of personal discrimination;

Third, cultural differences between the students and the institutions;

Fourth, the lack of persuasive role models available to them;

Fifth, the lack of support services such as counseling and tutoring; and

Sixth, but not the least, personal finances.

The Congress recognized that Indian community colleges would serve reservations and the Indian community both educationally and culturally.

In addition, they would provide benefits such as immediate employment opportunities, development of tribal vocational and technical work forces, the development of human and natural resources, and also increase the number of successful role models who would remain on the reservation.

I think, not insignificantly, they could also preserve, and I think this was part of Congress' thought when this was passed on the part of many of us anyway: These colleges could help preserve something that was important not only for the Indian community in the way of preservation of culture, but also, more importantly, for the enrichment of the total culture of the United States.

There are problems that you have experienced, and for that reason, finally, because the other programs simply have not met the specific needs of the Indian community, we passed Public Law 95-471, the Tribally Controlled Community College Assistance Act of 1978.

Our hearing today will serve as a forum for representatives from some of these community colleges to provide the subcommittee with an update on the state of their individual institutions and it will allow these individuals to voice their opinions on the benefits of the act, their concerns regarding its implementation, and where we ought to be going from here.

We are going to have a panel, and I hope you will forgive me because I am going to be mispronouncing some names here. Mr. LeRoy Clifford, executive director of the American Indian Higher Education Consortium; Mr. Elgin Bad Wound, president of the Oglala Sioux Community College; Mr. Joe McDonald, president of the Salish-Kootenai Community College; Mr. Lionel Bordeaux, president of Sinte Gleska Community College; Mr. Gerald Monette, president of Turtle Mountain Community College; Dr. Dan oner Honahni, president of the College of Ganado; Dr. Steve Baldy,

president of D-Q University; and Mr. Dean Jackson, president of Navajo Community College.

So we will first hear from Mr. Clifford, and then have the others in a panel.

Mr. ERDAHL. Mr. Chairman, before we start, may I make just a brief comment?

Mr. SIMON. My apologies to my colleague.

Let me say, for the record, that one of the most conscientious and hard-working members of this subcommittee, consistently has been our colleague from Minnesota, Mr. Arlen Erdahl. I apologize for not acknowledging you and offering you a chance to make a statement.

Mr. ERDAHL. Mr. Chairman, no apology is needed at all, but thank you for those kind words. I am just pleased to be here today and I want to commend you, Mr. Chairman, for your ongoing dedication and attention to this area.

My home State is Minnesota, and as you know, and as people in the audience know, we have a sizable and significant Indian population in Minnesota, not only in the Twin Cities, Minneapolis-St. Paul, but also in the rural areas. As all of us know, I think, and as is attested to by our presence here today, the people in this room, we recognize the importance of an adequately responsive education.

I just want to thank you, Mr. Chairman, for your dedication, as I said, in going ahead with these hearings. I am looking forward to the testimony we are about to hear. Thank you very much.

Mr. SIMON. Let me just add, my district has virtually no Indian population, and the same is true almost for my state, with the exception of the urban Indian population in a few areas.

In my district in deep southern Illinois, we have the Shawnee National Forest. Our state is named Illinois because the Illini Indians resided there. We are a State that is rich in Indian heritage, and yet back when I was in the Illinois legislature I put in a bill to have a statue somewhere around the State Capitol honoring the Indians who really made such tremendous contributions to the State of Illinois.

You will see dozens of statues honoring this Governor and that Governor, people who deserve recognition, such as Abraham Lincoln and Stephen A. Douglas, but you will not see, I regret to say, a statue of an Indian anywhere around our State Capitol, even though we call ourselves the State of the Illinois.

Mr. Clifford.

STATEMENT OF LeROY CLIFFORD, EXECUTIVE DIRECTOR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Mr. CLIFFORD. Thank you, Mr. Chairman.

I would like to acknowledge the committee, yourself as chairman, and the distinguished members of this Subcommittee on Postsecondary Education.

My name is LeRoy Clifford. I am the executive director of the American Indian Higher Education Consortium, which is located in Denver, Colo.

At this point, I would like to provide a brief background about the American Indian Higher Education Consortium, as per your request, comment on the role of tribally controlled community colleges in educating Native Americans, proceed with discussing some general information about successes, and then go into some of the problem areas that we have had in terms of the implementation of this legislation.

The American Indian Higher Education Consortium was founded in October 1972 by six tribally controlled community colleges that were in existence at that point in time.

The American Indian Higher Education Consortium is an association of tribally controlled community colleges dedicated to promoting the betterment of postsecondary education for American Indians and Alaskan Natives.

Some of the characteristics of these tribally controlled community colleges that I think are important to mention during this hearing are that these tribal colleges are 2-year community colleges offering degree programs at the associate of arts level.

Some of these characteristics are that these colleges are tribally chartered, thus deriving their authority from their respective tribal governments. Their governing bodies are comprised of Indian people. The student bodies are predominantly Indian. They are located on Indian reservations in isolated areas of the country. They actively reinforce tribal culture, while offering traditional currcula. They are community service oriented.

Most importantly, they represent in this particular era tangible examples of Indian self-determination. We feel that these institutions represent an exercise in tribal sovereignty.

With that as per the request, and your letter that was sent to me asking me to testify, I am going to talk about some of my perceptions in terms of what the role of the tribally controlled community colleges is and can be in the future as Indian tribes begin to organize, and begin to address the issues of natural resource development and energy development on Indian reservations.

As you know in our dealings with the Federal Government, the American Indian has always asked for education. It was the demand of the Seneca Indians to the first President of the United States. It was the demand of the treaty tribes during the treaty period.

It was the demand of Chief Joseph of Nez Perce, which he made to General Miles when he said, "Let me be a free man, free to choose my own teachers." In essence, Chief Joseph asked for Indian self-determination and control of Indian education over 100 years ago.

It was also the demand of Chief Sitting Bull of the Sioux, when he said, "In the future, your business dealings with the Whites are going to be hard, and it behooves you to learn well what you are taught." He was speaking on an occasion where he was speaking to young Sioux people at an Indian school.

This is not all. We older people need you. In our dealings with the white men, we are just as blind men because we don't understand them. We need you to help us understand what the white man is up to."

"He concluded by saying, "My grandchildren be good, try to make a mark for yourselves, learn all that you can."

But why did American Indians want an education? Indian people have always understood that education meant survival, survival of a people, the ability to cope, to earn a livelihood, to retain our identity, and to communicate with and learn from the white man's world.

In response to the early demands by tribal chieftains 100 years ago, and in response to the demands of tribal chiefs today, tribal chairmen, and elected officials, Congress responded by passing 93-638, the Indian Self-Determination and Education Assistance Act.

For the first time Congress had acknowledged that prolonged Federal domination of Indian service programs had served to retard, rather than enhance, the progress of Indian people.

Congress also acknowledged in passing this legislation that true self-determination in any society of people is dependent upon an educational process which is controlled by such a people.

Included in this legislation was a directive to the Secretary of Interior to develop a plan with recommendations to assist in the development and administration of tribally controlled community colleges.

Then on October 17, 1978, Congress enacted Public Law 95-471, the Tribally Controlled Community College Assistance Act. Public Law 95-471 authorized the Secretary to provide operational grants and technical assistance to assist the tribally controlled community colleges in their development.

Thus, tribal colleges became a vehicle for training and educating Indians, and helping tribes to develop the leadership skills that are crucial for the realization of tribal self-government. Thus, the role of tribally controlled community colleges began to take form with all of its duties and responsibilities for developing and strengthening tribal governments.

Indian educational institutions, therefore, have the tremendous responsibility today of providing educational opportunities designed to help tribes develop leadership skills essential for self-government. This, in essence, is the role of tribally controlled community colleges in educating Native Americans.

At this point, I will switch to the successes and problems confronting tribal colleges.

To date, the tribal colleges have succeeded in convincing Congress to appropriate funds under this legislation. In fiscal year 1980, Congress appropriated $5 million for the implementation of this act. In fiscal year 1981, the current fiscal year period we are in, Congress appropriated $8,013,000.

It is important that during this brief period of 2 years those colleges receiving funds under Public Law 95-471 successfully graduated approximately 1,085 students with either 2-year associate of arts degrees, or 1- and 2-year certificates in specialized areas.

Colleges have been able to expand as a result of the technical assistance monies that Congress appropriated under this act, to expand their course offerings to meet the growing needs of Indians. In addition, the training and technical assistance monies helped certain tribal colleges attain candidacy status.

I am happy to announce at this hearing that we now have a majority of our tribally controlled community colleges that are either candidates for institutional accreditation at the 2-year level or fully accredited. We believe that the assistance that the Congress has provided, in terms of the enabling legislation and the appropriations, has helped the colleges to achieve candidacy status.

Some of the problems that we are faced with, and that the colleges have experienced during this period of time, are a result from the inconsistencies within the administering agency, and the manner in which the letter of the law is interpreted. Some of the problems arise from the specific provisions contained in the authorizing legislation itself.

I will go into some of the problems that arise from the existing language in the legislation. However, before I proceed, I would like to say that we feel, that is the tribally controlled community colleges feel, that the act is a good act. It was well-intended, and we are making an effort to carry out the mandates there.

One definitional problem, however, that has come up has been the definition of Indian. The current definition limits the benefits of the act to persons who are both members of an Indian tribe and eligible to receive services from the Secretary.

We have instances where you have Indian people who are very clearly from the blood quantum standpoint Indian, but because of the particular criteria for membership in their given tribe, because, for example, they were not born on the reservation, they are not considered to be members of their tribe even though biologically they are Indians.

The second problem has to do with the definition of FTE. The definition allows colleges to register the impact of all credits earned by part-time students, but it only allows colleges to register the impact of the first 12 credit hours generated by full-time students.

For example, all 18 credit hours earned by three part-time students, each taking 6 hours, would be counted; however, only 12 credit hours would be counted if 18 credit hours were being taken by a full time student—a full-time student is being defined as a student enrolled for 12 credit hours or more.

Technical assistance has been a problem. Under section 104, which directs the Secretary to provide, upon request, technical assistance to tribally controlled community colleges, the intent of the act was to help tribal groups develop tribal colleges.

However, the BIA has taken a strict interpretation of the law which precludes tribal colleges, which are not in formal accreditation status, from eligibility for the training and technical assistance moneys. This defeats the intent of the act, which was to help colleges achieve accreditation and, eventually, arrive at full operationality.

In regard to feasibility studies, there have been some problems there. The implementation of the feasibility study provision of the act brought about a catch-22 situation. Traditionally, formal accreditation status has been only available to colleges which have demonstrated feasibility. Yet the feasibility requirement/guidelines, at the insistence of OMB, encourage studying only those colleges which are in receipt of formal accreditation status.

This goes against the law which was to encourage development of tribal colleges, and to allow tribes to request a feasibility study to determine if it was feasible for them to start a community college.

Further, tribal colleges which have already achieved candidacy or full accreditation should not have to undergo a feasibility study. It seems unnecessary to have tribal colleges prove themselves to the non-Indian peer institutions, and then have to prove themselves to the Bureau of Indian Affairs.

At this point I will talk about some of the funding related problems.

Section 108, effect on other programs, states that eligibility for assistance under Public Law 95-471 shall not by itself preclude the eligibility of any tribal college to receive funding under Federal financial assistance, or under any other program authorized under the Higher Education Act of 1965. Yet, we have had two situations during the past couple of years where it appears that this section of the law was disregarded.

I would like to talk briefly about the tribes: the Rosebud Sioux Tribe, the Oglala Sioux Tribe, and the Turtle Mountain Chippewa Tribe.

In fiscal year 1980 their tribal governments, in preparing the budget at the agency level, earmarked for those tribal colleges as a priority. In the banding budget process, they took money from programs at the reservation level, and because the tribal colleges were a priority, they diverted resources to those three colleges, which was to show their commitment at the local level for their institution.

Unfortunately, the Bureau of Indian Affairs, when the budget worked its way to the area office and then to the central office, unilaterally took those moneys that were banded by those tribes for those three institutions, and put them into the so-called Public Law 95-471 pot. Subsequently, this agency proceeded to allocate those moneys across all other tribally controlled community colleges, thereby in effect penalizing those three tribal governments for showing a commitment in putting money into their particular schools.

I think that this needs to be brought out, and Mr. Bordeaux, Mr. Badwound, and Mr. Monette will probably go into greater detail on that.

We got a contract in August, and all that was remaining of the fiscal year was the month of September, and this was in the fiscal year 1980 period. This meant that we had $600,000 to disburse to the tribal colleges in a period of 2 months. Fortunately, we were able to get the Bureau of Indian Affairs to issue us a contract which extended into the subsequent fiscal year.

So the colleges, during fiscal year 1980, or supposedly during the fiscal year 1980 period, were able to spend the TA money from August 1980 until this past June 1980. But it was overlapping into fiscal year 1981.

In fiscal year 1981, operational grants got out to the colleges sooner than they did in the fiscal year 1980 period. However, after those colleges received their allocation for the current academic year in fiscal year 1981, the Bureau adjusted their allocations to

allow for the funding of new schools determined feasible and, therefore, eligible for grants and technical assistance, reducing the allocation or allotments of tribal colleges after they had already budgeted their funds for the entire academic year. This makes it very hard for these colleges to plan and control their expenditures.

Section 113(a) of the act also precludes the expenditure of title I moneys for purposes authorized under title II. We understand that the Bureau of Indian Affairs has requested of the Appropriations Committee's approval to reprogram $325,000 of the $600,000 that was appropriated in the current fiscal year 1981 period for other purposes, other than what was intended in title I.

We feel that this is a violation of section 113(a) of the law, and we are concerned as to what gives the Bureau of Indian Affairs the authority to violate the law of the land. If the BIA has, in fact, reprogramed $325,000 of title I funds illegally, in violation of section 113(a) of the act, then we feel that they should restore the money to title I so that the colleges that are eligible under title I will be able to reap the benefits of technical assistance moneys which Congress appropriated for them.

Another concern is that there is no forward funding provision in the legislation or Appropriations Act. As such, tribal colleges do not have the necessary startup funds in the fall. It makes it very difficult for the colleges when they have to negotiate contracts, and open up in the fall, and start providing their educational programs, when they don't have that money up front.

I think it would be really critical for the committee to look at, and of course the Appropriations Committee could look at a forward funding mechanism for the colleges.

Concluding, I would like to make some recommendations. I would like to recommend that those definitions which appear to be causing problems should be changed in the reauthorization bill. I might point out to the committee members that Public Law 95-471 expires at the end of September 1982.

The law that is 95-471 should be amended to allow those institutions which have not attained formal accreditation status to be eligible for technical assistance. We have two institutions that could have reaped benefits; it would have assisted them very much if they had technical assistance, and those are the Little Big Horn Community College and Cheyenne River Community College. Those institutions could have used the technical assistance moneys in 1980 and 1981 had the law allowed that.

We would recommend that formal status for accreditation be accepted as prima facie evidence of feasibility. We talked about the fact that our institutions go through the normal accreditation process in their particular area, yet they still have to prove themselves to the Bureau of Indian Affairs in terms of the requirement for a feasibility study which is contained in the law.

I also would suggest that the funds that were expropriated from the Oglala Sioux Tribe, the Rosebud Sioux Tribe, and the Turtle Mountain Chippewa Tribe be restored. There is approximately $400,000 in tribal-banded money that was taken from those schools. It would seem, in the spirit of Indian self-determination, that the Bureau of Indian Affairs in carrying out 638 would restore that money back to those tribes for those particular colleges.

We recommend a forward funding provision be provided to allow tribal colleges to get started in the fall without undue delays.

Finally, the committee should consider the findings and recommendations of the BIA as it relates to the construction needs of the colleges. Sections 111 and 112 of the act require the Bureau of Indian Affairs to conduct a survey of facility needs. I think that it is really critical for the committee to be aware that it is very difficult for our tribal colleges to achieve accreditation when they do not have the facilities, libraries, and so forth, and more importantly when they do not have a stable source of funding.

I had the opportunity to go out to the Black Feet Community College when the Northwest Accreditation Association visited the college for accreditation purposes. One of the things that the Accreditation Association looked at as a very important variable was, "Do you have, Black Feet Community College, a stable source of funding?"

We explained to the association that the Congress had passed this legislation, but it had a limited life authorization period of 3 years. They did not view that as stable funding; however, Black Feet was able to attain accreditation status.

What I am saying is that it is important for the colleges to have a stable source of funding. It is important for the colleges to have facilities, or access to facilities, otherwise they will never have an opportunity of ever reaching full accreditation. I am saying that those are two very important factors.

With that, Mr. Chairman, I would like to thank you for the opportunity to present my testimony before this committee. Again, thank you very much.

[The prepared statement of LeRoy Clifford follows:]

PREPARED STATEMENT OF LEROY V. CLIFFORD, EXECUTIVE DIRECTOR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

INTRODUCTION

Mr. Chairman and distinguished members of the Subcommittee, my name is LeRoy Clifford, I am the Executive Director of the American Indian Higher Education Corsortium.

I welcome the opportunity to appear before you today to discuss the status of Public Law 95-471, the "Tribally Controlled Community College Assistance Act of 1978". However, before I comment on the successes, problems, and challenges encountered by these tribal institutions, I would like to present a brief overview about the American Indian Higher Education Consortium (AIHEC) and its membership.

The American Indian Higher Education Consortium was founded in October 1972 by six Indian community colleges with a view toward mobilizing a concerted effort to deal with institutional development problems common to all. Today our membership totals seventeen (17) tribally controlled community colleges.

AIHEC is an association of tribally controlled community colleges dedicated to promoting the betterment of post secondary education for American Indians and Alaskan Natives. These institutions are 2-year community colleges offering degree programs at the Associate of Arts level. They are in varying stages of development and their needs differ accordingly. However, they all have definite similarities: they are tribally-chartered thus deriving their authority from their respective tribal governments; their governing boards are comprised of Indian people; their student bodies are predominately Indian; they are located on Indian reservations in isolated locations; they actively reinforce unique tribal cultures while offering traditional curricula geared toward providing studens with the educational tools necessary for a productive life in whatever filed they choose while retaining their unique cultural heritage; and, most importantly, they are community service oriented.

As relatively new institutions, they remain isolated from the mainstream of higher education in this country and are struggling for survival. They are small and lack complexity, however, the education processes and concepts they represent are the most modern available while at the same time reflecting a unique Tribally based approach to community oriented education.

These colleges represent a new dimension in the field of higher education for American Indians and Alaska Natives. They are tangible examples of Indian self-determination, a term that signifies the contemporary era of educational programs for Indians by Indians. These colleges reflect a heightened awareness among Indian tribes of their rightful responsibility to chart their own directions in Indian postsecondary education. As new schools, they provide a framework for innovative action as well as realistic access to college level instruction not available otherwise on Indian reservations.

In summary, the American Indian Higher Education Consortium colleges represent an exercise in Tribal sovereignty with which to meet the express needs of each institution's Tribal population. This, in essence, is the basic reason for the Tribal college's existence.

THE ROLE OF TRIBALLY CONTROLLED COMMUNITY COLLEGES IN EDUCATING NATIVE AMERICANS

Mr. Chairman, you have asked me to present my views on the role of tribally controlled community colleges in educating Native Americans. As such, I will share with the committee some of my thoughts concerning this issue. Later the college presidents will comment on how the Tribal colleges are carrying out their responsibilities for educating American Indians on Indian reservations.

As you know, in all our dealings with the federal government, the American Indian has always asked for education. It was a demand that the Senecas made to the first President of the United States. It was a demand that Treaty tribes made in their negotiations with the United States during the Treaty period. It was a demand that the Nez Perce people made. It was the demand that Chief Joseph of the Nez Perce made of General Miles:

"I know that my race must change. We cannot hold our own with the white man as we are. We only ask an even chance to live as other men live. We ask to be recognized as men. We ask that the same law shall work alike on all men. If an Indian breaks the law, punish him by the law. If the white man breaks the law, punish him also. Let me be a free man—free to travel, free to stop, free to work, free to trade where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to think and talk and act for myself—and I will obey every law, or submit to the penalty."

Chief Joseph asked for Indian self-determination and control of Indian education over 100 years ago when he stated "Let me be free to choose my own teachers."

It was the demand that the Sioux people made when Chief Sitting Bull was asked to address a group of young Indians at an occasion sponsored by Revened Jerome Hunt. Here is what he said on the occasion: "YOU ARE LIVING IN A NEW PATH"

"My dear grandchildren: All of your folks are my relatives, because I am a Sioux, and so are they. I was glad to hear that the Black Robe had given you this school where you can learn to read, write, and count the way white people do. You are also being taught a new religion. You are shown how the white men work and make things. You are living a new path. When I was your age, things were entirely different. I had no teachers but my parents and relatives. They are dead and gone now, and I am left alone. It will be the same with you. Your parents are aging and will die some day, leaving you alone. So it is for you to make something of yourselves, and this can only be done while you are young.

"In my early days I was eager to learn and to do things, and therefore I learned quickly, and that made it easier for my teachers. Now I often pick up papers and books which have all kinds of pictures and marks on them, but I cannot understand them as a white person does. They have a way of communicating by the use written symbols and figures; but before they could do that, they had to have an understanding among themselves. Your are learning that, and I was very much pleased to hear you reading.

"In future your business dealing with the whites are going to be very hard, and it behooves you to learn well what you are taught here. But that is not all. We older people need you. In our dealings with the white men, we are just the same as blind men, because we do not understand them. We need you to help us understand what

the white men are up to. My Grandchildren, be good. Try and make a mark for your selves. Learn all you can.

"With all my heart I thank my Black Robe friends for their goodness and kindness towards me."

But why did American Indians want education? Education has never been an end in itself. Indian people have always understood that education meant survival—survival as a people—with the ability to cope, to earn a livelihood, to retain our own identity, and to communicate with and learn from the white man's world. But this is not the type of education American Indians have been receiving. And that is why Indian Tribes have become more and more disillusioned with the present educational programs designed for Indians.

In response to these concerns as well as the early demands made by Tribal chieftains over 100 years ago, Congress enacted Public Law 93-638, the "Indian Self-Determination and Education Assistance Act". This Act was signed into law on January 4, 1975. For the first time in history, Congress acknowledged that the prolonged Federal domination of Indian service programs had served to retard rather then enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government. Congress recognized that Indian people had been denied an effective voice in the planning and implementation of programs for the benefit of Indians which were responsive to the true needs of Indian communities. Congress further found and agreed that true self-determination in any society of people is dependent upon an educational process which is controlled by such a people and which ensures the development of qualified people to fulfill meaningful leadership roles. Finally, Congress agreed that the Federal responsibility for and assistance to education of Indian children had not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide, and that parental and community control of the educational process is of crucial importance to Indian people.

Included in this hallmark legislation was the requirement that the Secretary of the Interior prepare and submit to the Congress a report detailing a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges. Then, on October 17, 1978, Congress enacted Public Law 95-471 the "Tribally Controlled Community College Assistance Act of 1978". This Act authorizes the Secretary of the Interior to provide for the operation and improvement of Tribally controlled community colleges to insure continued and expanded educational opportunities for Indian students. Tribal colleges, therefore, became a vehicle for training and educating Indians and helping Tribes to develop leadership skills crucial in the realization of Tribal self-government. Thus, the role of the Tribally controlled community college began to take form with all of its duties and responsibilities for developing and strengthening Tribal governments.

As Native people, Indian Tribes are now supposed to enter an era of self-government and self-determination. But this nation, the United States, unlike every colonial government, has not prepared and equipped Indians to take over the functions of government from the BIA or American Indian entrepreneurs who can build the kind of economy Indian reservations need to achieve some measure of self-sufficiency.

Indian educational institutions, therefore, have the tremendous responsibility of providing educational opportunities designed to help Tribes develop the leadership skills essential for self-government. This, in essence, is the role of Tribally controlled community colleges in educating American Indians.

SUCCESSES, PROBLEMS AND FAILURES CONFRONTING TRIBAL COLLEGES

At this point, I would like to make several comments concerning the successes, problems and failures which Tribally controlled community colleges have been faced with since the passage of Public Law 95-471. As you know, the Tribal colleges derive a major source of funding from Public Law 95-471, the "Tribally Controlled Community College Assistance Act of 1978". In fiscal year 1980, Congress appropriated $5 million for Tribal colleges under the authority of Public Law 95-471. In fiscal year 1981 Congress appropriated $8,013,000 for Tribal colleges under this Act. During this period of time, those colleges receiving Public Law 95-471 operational grants graduated approximately 1,085 students with either AA degrees, 2-year certificates, etc. In addition, the training and technical assistance funds appropriated under the Act have helped a majority of the colleges to achieve either full accreditation status or candidacy status for accreditation. Without these operational

grants and technical assistance monies, Tribal colleges would not have made these strides.

There are however certain problems that the colleges have experienced during the first 2 years of implementation of Public Law 95-471. These problems result from inconsistencies within the respective administering agency's policies and/or procedures and have created unnecessary difficulty in implementation of Public Law 95-471. Some of the problems arise from the specific provisions contained in the authorizing legislation (Public Law 95-471) itself. Others have to do with the manner in which the Act has been implemented by the Bureau of Indian Affairs.

Public Law 95-471, the Tribally Controlled Community College Assistance Act of 1978

One problem area of that Act is in the Definitions section. The first definition causing problems is that of "Indian" which limits the benefits of the Act to persons who are both members of (an) Indian Tribe(s) and eligible to receive services from the Secretary of the Interior. Since the Higher Education Scholarship Program is available on the basis of blood quantum, and since the funding for tribal colleges had traditionally been intermixed with the Scholarship program's funding (and indeed justified as a means of "stretching" scholarship dollars), it would appear more consistent to allow eligibility to extend to tribal members or those who are eligible for Interior services.

The second problem definition of that "institution of higher education" which defines a college as one which has formal accreditation status. The legislative history of the Act reflects attention to the problems of those colleges that have such status as well as those who are in a more primitive state of development. Early in the hearing records there is a reference to the "Catch 22" situation of developing tribal colleges which need a funding base to be eligible for accreditation, yet must be accredited to be eligible for a funding base. The structure of the Act (but not the language) allows for operating grants and technical assistance, which would logically lend itself to provide assistance in the form of operating grants to colleges with a "track record" and the technical assistance to those who need planning and development assistance.

The third definition creating concern is that of "Full-Time Equivalent Indian Student" which encourages Indian students to remain in college longer, and thus require Bureau support for a longer period of time, and ultimately the expenditure of more funds. The definition allows colleges to register the impact of all credits earned by part-time students (Part-Time Credit Hours Generated Per Term/12), but only allows colleges to register the impact of the first 12 credit hours generated by the full-time students. For example, all 18 credits earned by 3 part-time students each taking 6 credits ($3 \times 6/12$) would be counted; however, only 12 credit-hours would be counted if 18 credits were being taken by a full-time student (Full-Time = enrolled for 12 or more credits). Stated another way, if a college encouraged students to take greater than the minimum credit load, and thus graduate sooner saving the Bureau support dollars, that college would be penalized by losing $333.33 for every credit over the minimum load taken. Ironically the Higher Education Scholarship program encourages the reverse.

Feasibility studies

The implementation of the feasibility study provisions of the Act surfaced another "Catch 22" situation. The term "feasible" is defined by Webster's as "capable of being done or carried out (a plan); synonymous with reasonable, likely, possible." Traditionally formal accreditation status has been only available to colleges which have demonstrated feasibility. Yet the feasibility guidelines at the insistance of OMB insist on only studying extensively colleges which have been in receipt of formal accreditation status; clearly not considering any institutions which are planned, reasonable, likely, or possible, as not "feasible" goes against the intent of the law and penalizes these institutions because they do not have accreditation status!

Technical assistance

The Act provides the Bureau to provide technical assistance to Tribally controlled community colleges either directly or through contract. Two problems result from this method of implementation. First, the Bureau is placed in the position of negotiating a third party contract for the colleges—since the Act does not provide for a grant to the college, to seek their own technical assistance. Secondly, the technical assistance authorized can only be made available to colleges which—you guessed it—are in formal accreditation status! This also defeats the purpose of the Act, which was to provide technical assistance not only to the more developed colleges

which have attained candidacy but also to those institutions striving to attain accreditation status. As it is now, only those institutions which have attained candidacy status or full accreditation are eligible for technical assistance.

Funding problems

In fiscal year 1981, three of the tribally controlled colleges obtained Snyder Act funds, in addition to Public Law 95-471 funds, by persuading their tribes to take austerity measures and divert local tribal budgetary funds to the local colleges. In fiscal year 1981 (without even thinking the three tribes involved) the Bureau made these band-created funds available to all other tribal colleges. Putting aside for a moment the inequity of the foregoing, is it reasonable to request a 13-percent increase ($7 million to $8 million) when there may be a 375-percent increase in eligible colleges? Is it reasonable to face individual tribal colleges with funding cutbacks ranging from $4 million to $100,000; while claiming that Bureau-operated colleges need to "phase-in" to eventually approach the $4,000-per-student cost factor? (Currently three tribal colleges are eligible for both their portion of the $7 million Bureau Budget Request and the $5 million add-on appropriated by Congress for Public Law 95-471). Apparently, the Bureau of Indian Affairs appears to support the at least questionable policies of: a. penalizing tribes which seek to apply austerity measures to their local budgets, and b. encouraging budgetary instability at individual tribal colleges by providing for wild fluctuations in the basic operating budgets, at NCC, Sinte Gleska, Oglala, and Turtle Mountain Colleges.

Wild fluctuations are not only encouraged on a year to year basis, in the Act, but also within the year. There is no Forward Funding provisions in the appropriations for the Act. Since the Act provides that funding shall be on the basis of expenditures for an academic year, there will be no funds available for September, the beginning month of the new academic year—since appropriations begin October 1. Thus, every college depending upon funds from Public Law 95-471 can look forward to a "dry September", and the implication that the Bureau is encouraging the instability in funding that the Act purportedly seeks to remedy.

RECOMMENDATIONS

1. Seek to change certain definitions in the Act to make the Act consistent with other higher education services; and to allow for funds to both "developing" and "operating" colleges.
2. Accept receipt for formal status for accreditation as "prima facie" evidence of "feasibility".
3. Restore tribally banded funds for fiscal year 1981 to Turtle Mountain Community College, Sinte Gleska College and Oglala Sioux Community College.
4. Seek a "forward funding" amendment to the existing Act to allow for start-up funds in the fall.
5. Formalize a policy of phase-in similar to that utilized in implementing Public Law 95-561 to enable colleges currently receiving Bureau support to realize budget increases/decreases in a more manageable, responsible fashion.

Mr. SIMON. Thank you very much.

I hope you don't mind staying for a few questions here?

First, we appreciate your testimony and the leadership you are providing.

On the definition, what kind of number increases would we get if we changed from the "and" to the "or," as you are suggesting, for either a member of an Indian tribe or one that is eligible to receive services from the Secretary of the Interior?

Mr. CLIFFORD. Mr. Chairman, we have not collected that data in terms of what the impact would be. We would be, as we proceed with the reauthorization of this legislation, collecting that data and providing that information to your committee at the appropriate time.

Mr. SIMON. I would appreciate that. While it looks like we have some time, that date for reauthorization is going to be hitting us soon; therefore, it will be on top of us before long.

On the accreditation situation, there are a total of 18 schools; is that correct?

Mr. CLIFFORD. We have a membership at AIHEC of 17 tribally controlled community colleges. The majority of tribal colleges in existence today belong to our consortium.

Mr. SIMON. My note here from the staff has 18, that is evidently in error, then; is that correct?

Mr. CLIFFORD. I would have to correct that statement. The College of Ganado is also receiving funding under this legislation. It is not a member of the consortium, but it is reaping benefits under the legislation.

Mr. SIMON. Two have been accredited up to this point, and 11 additional ones have attained candidacy, and 5 are seeking candidacy: is that correct?

Mr. CLIFFORD. That is correct.

Mr. SIMON. Your general impression is that academically the schools are moving in the right direction?

Mr. CLIFFORD. I believe that the tribal colleges are moving in the right direction. As I pointed out, I believe that the Congress saw the need for tribal colleges, and as such passed the legislation. We have instances where tribal colleges have been able to expand their curricula as a result of operational grant moneys accruing to them under this legislation.

I would say that the technical assistance moneys got to the colleges late, and still have not gotten out for 1981. The Congress appropriated $600,000 for fiscal year 1981. We are into July, and the 1981 moneys have still not gotten out to the tribal colleges. So it is very hard for them to plan for the utilization of the TA moneys, when the funds are not getting out to them in a timely fashion.

Mr. SIMON. I don't know whether there is someone here from the Department of the Interior, but we are going to be contacting you to see if we can't speed things up. At some point before reauthorization, we will get the Department of the Interior in here to testify.

What is the smallest enrollment of the 18 schools?

Mr. CLIFFORD. We have a report here that provides projections of enrollment figures. We are looking at a range of 250, in terms of head count enrollment: For example, at Black Feet—the aforesaid is the projected enrollment figure for 1981–82—at Fort Berthold, it is 235. Hakasapa College has a head count of 282, just to give you a range. Little Big Horn has a head count of 150. Little Hoop has a head count of 143. Nebraska Indian Community College has a head count of 210. This is enrollment, and it is not FTE.

Mr. SIMON. Right.

Mr. CLIFFORD. For Oglala Sioux Community College, we don't have that figure yet. Sinte Gleska Community College has a head count of 375. Sisseton-Wapaton shows a head count of 225, followed by Standing Rock with 250. Turtle Mountain Community College has a head count of 325.

This is kind of an overview in terms of what the enrollments are, the smallest being 100 in terms of the data that we have.

Mr. SIMON. Are we likely to see any growth in the numbers of schools?

Mr. CLIFFORD. Right now, we understand that there are a number of efforts underway in other States with other tribes to develop community colleges. For example, the Ojibowe College in Beraga, Mich., is attempting to start a college.

They do have a college, and they are attempting to provide courses, given the restrictions and limitations in terms of budget and so forth. We expect that at some point the Ojibowe College will approach us for membership in the American Indian Higher Education Consortium.

We understand that the Chippewa Indians in Minnesota are also exploring the feasibility and have taken steps to develop a college. What they are trying to do is to consolidate the higher education functions among a number of tribes into what would become the basis for a tribal college.

So we believe that there are probably, maybe, three to five other tribes at the present time that are attempting to start colleges, and will be probably requesting feasibility studies of the Bureau. If not this fiscal year, then certainly in the next fiscal year if the Congress provides moneys for feasibility studies.

Mr. SIMON. Does the Bureau consult with you as they do these feasibility studies with your association?

Mr. CLIFFORD. Yes. We have tried to work with the Bureau of Indian Affairs in terms of helping them to implement this legislation. Tribally controlled community colleges are a new phenomena as far as the Bureau of Indian Affairs is concerned.

They have never dealt with what is referred to as tribally controlled community colleges; furthermore, nor did they have, nor do they have at the present time, a separate organizational unit or a branch within the bureau of education to address tribally controlled community colleges.

We recommended, when we developed the rules and regulations for implementing this legislation that the Bureau set up an organizational component within their structure to administer this program. To date, as we understand it, because of employment ceilings and restrictions on authorized positions, they have not been able to set up an office, per se, to deal with this.

We do work with the staff. There are approximately three staff persons that are supposed to be responsible for this program, and we have been working with them in trying to work out some of the problems that we have experienced.

Mr. SIMON. What is an ideal calendar for funding from your point of view?

Mr. CLIFFORD. In terms of timeframes?

Mr. SIMON. In other words, by October 1, we pass appropriations, in theory anyway. On October 2, you are not going to get your funding.

Is it possible that we can work out some kind of a calendar, because I gather that the uncertainty of when you are getting the funding is a major problem for your schools; is that correct?

Mr. CLIFFORD. Yes, it is, and that is one of the reasons why we recommend that a forward funding provision be included in the Appropriations Act, so that colleges would have that start up funding.

We realize that even though the academic year or fiscal year would begin October 1, the experience has been that the Bureau is never in a position, given the fact that the Congress has to approve the appropriations bill and the President has to sign that, and it doesn't happen right on October 1, as you have indicated.

I think it would be important if the colleges would have an access to funding in August and September in terms of the initial advance. Then, after the conclusion of the third week of the academic term, those funding levels could be adjusted.

I might point out that the Bureau of Indian Affairs has a provision under 561 which allows the Bureau to provide funding to the elementary and secondary schools based on projected enrollments. Then after a certain period of time, they conduct an audit to determine the actual, and then adjust their figures upward or downward.

Mr. SIMON. You could even have an 80-percent funding, or something like that, so that the Federal Government in no event would be out of any money, but the schools would have an access to the bulk of the funds.

Mr. CLIFFORD. 80 percent would be welcomed by the tribally controlled community colleges.

Mr. SIMON. You might be thinking about that as we move toward reauthorization.

Because of the stability of funding, if we had a 5-year reauthorization, that would probably be helpful to you, too, wouldn't it?

Mr. CLIFFORD. Definitely, it certainly would. It would provide a stream of operational grants to the colleges, obviously, over a 5-year period, and I believe it would help the colleges in being able to explain to the accreditation associations as they apply for candidacy or full accreditation, "Look, we do have a commitment for a 5-year period."

The ideal, of course, would be to have an open-ended authorization period, then the accreditation associations would know that the colleges had a stable source of funding, and it would be easier for them to acquire accreditation status.

Mr. SIMON. Two final questions, and I want to yield to my colleague.

One relates to the three tribes that were sacrificed, and then ended up not getting the fruits of their sacrifice, or having it scattered to a great extent. Is any kind of satisfactory resolution getting worked out with the Department on this?

Mr. CLIFFORD. I might give you some historical background briefly on that.

Mr. Bordeaux spearheaded the effort to try to get the Department of the Interior and the Bureau of Indian Affairs to recognize that what they had done was defeating the spirit of Indian self-determination in terms of having the tribes go through the process of developing their budgets at the local level, allocating a certain amount of their funds to their institution, which they could have put into health, roads, irrigation, reforestation, or whatever. They put their money into their college, and then the Bureau of Indian Affairs, of course, took it away from those tribes.

Mr. Bordeaux, Mr. Bad Wound, Mr. Monette, and myself, and other organizations like NCAI and NTCA, met and tried to get the Bureau of Indian Affairs to reverse that and put the money back.

We even went as far as to get a ruling from the Associate Solicitor on Indian Affairs in which the Associate Solicitor ruled that the Bureau of Indian Affairs had violated the spirit and intent of

the law, not only of 638 but of 671 when we look in terms of section 108, in doing what they did.

We took it all the way up through channels. We worked through the administrative process, but we were unsuccessful in getting $200,000 restored to Pine Ridge and to Rosebud during the current fiscal year period.

So whereas Rosebud should have gotten approximately $354,000, and Pine Ridge should have gotten $359,000 of Snyder Act funds in addition to their 471 funds, those institutions realized a net decrease of $200,000 each. Pine Ridge then received approximately $159,000, and Rosebud received $154,000. These are approximate figures.

Mr. SIMON. I would like to ask the staff to check into that and see, if that is not satisfactorily resolved, if we can get an informal meeting with you and with the Bureau, and see if we can get it resolved.

Mr. CLIFFORD. We appreciate your concern.

Mr. SIMON. Finally, one final word before I turn this over to my colleagues.

When I speak on college campuses, one of the things I stress, increasingly for academic enrichment—one of the things that schools ought to be planning on, because we are going to be in a period of austerity for the next decade for a variety of reasons, some political and some demographic—is for schools to establish endowments for themselves.

How many of your 18 schools, would you guess, have any endowment, any foundation? In a sense, the tribal treasury may be an endowment for some. But is there a specific endowment or foundation for the various schools, or any of them that you know?

Mr. CLIFFORD. Mr. Bad Wound, I think, can address that. I understand that they and other colleges were looking into endowments as a result of the budget cuts and the financial crunch that everyone is currently in.

One of the things that I thought was interesting during the 95th or 96th Congress, was a bill that came across my desk which dealt with endowments. In other words, the Congress would enact legislation that would provide endowments for institutions of higher education.

I thought that if we could get the Congress to consider endowments for tribally controlled community colleges, assuming that those funds were prudently utilized over time, enough interest income and revenue could be generated through wise investments to help support the colleges over time, which would then take the burden off of the State and Federal Governments.

An ideal, of course, would be if we could get endowments for the tribal colleges. I think the burden would be lessened in terms of the current burden that the taxpayer has with regard to the colleges. I would strongly recommend it, and it could be something that could at least include in our reauthorization bill, and we'll see how far it goes.

Mr. SIMON. I don't think that endowments can provide much less of a burden to the taxpayers in any area, but I think they can provide the basis for enrichment. Academically, the colleges can do

some things that otherwise they it just can't do if they don't have endowments.

Mr. CLIFFORD. We have a mechanism that was set up when the consortium was first organized back in 1972. I was doing some management consulting for AIHEC at the time, and one of the concepts that I recommended to the board was that we should look in terms of an American Indian Higher Education Foundation which would generate funds from the private sector from the philanthropic groups, and possibly from the Congress.

The foundation, then, would manage those funds in such a way that incentive grants could be made to colleges to motivate them to get into research on economic development, behavioral science types of research, and things of this nature. So we do have in our overall plan the ideal goal of an American Indian higher education foundation.

Mr. SIMON. I think that that ought to be encouraged.

Mr. Erdahl.

Mr. ERDAHL. Thank you, Mr. Chairman.

Thank you, Mr. Clifford, for your fine testimony. I think, as we heard you go through your testimony, you outlined some of the problems, but I also appreciate the specificity of your suggestions, things that might be needed legislatively as far as some amendments, and also things that maybe could be done as far as regulations, or just as policies from the Department of the Interior and the BIA.

A couple of questions. You went over a list, when the gentleman from Illinois, Mr. Simon, mentioned the enrollment at some of the colleges. Is there adequate space available for more students? Are you doing recruiting? Can you outline for us what is the situation there? Are many colleges facing problems with enrollment? Are you in the process of turning people away, or are you recruiting, as far as speaking for the colleges?

Mr. CLIFFORD. I believe the college presidents will address that, but I would say that the tribal colleges have not even begun to reach the population on the reservations in terms of meeting their educational needs. They have been constrained by, as I mentioned earlier, unstable funding bases, and the lack of facilities.

Some of the colleges, in spite of those constraints, have tried to work around them to do their best to reach out into the communities. You have a situation on our reservation, and Mr. Bad Wound will be talking about this, where they have reached out and set up satellite offices in the communities and the various districts on our reservation. So they are attempting to take the education out to the community, which is what they were charged to do. This is just an example.

The other tribes, and other reservations, depending upon their structure, have also done that. You have, for example, Nebraska Indian Community College that has satellite offices at Winnebago, Omaha, and Santi.

So the colleges are attempting to reach out, to extend educational programs to the communities, but they are very much constrained by the hard, cold realities of not having enough money and, of course, not having the facilities and the wherewithal to do what they would like to do.

Mr. ERDAHL. Another question, which probably doesn't relate specifically to your area, but maybe you would be aware of it, and you could share with us. What is the involvement of the Department of the Interior and the BIA as far as assisting Indian students who might be going to other colleges or universities, let's say, for example, the University of Minnesota branch at Duluth?

Mr. SIMON. Southern Illinois University.

Mr. ERDAHL. Southern Illinois University, why not. What is their involvement in that area?

Mr. CLIFFORD. Having worked in the Bureau of Indian Affairs before, I think I can address that in terms of the Bureau.

The Bureau currently operates three postsecondary institutions: Haskell Indian Junior College, Southwest Indian Polytechnic Institute—Haskell in Lawrence, Kans., SIPI in Albuquerque—and IAIA, the Institute for American Indian Arts at Santa Fe, wherein they attempt to educate and provide opportunities to Indians from all over the country in specialized areas. In the case of SIPI, it has a vocational technical emphasis, and IAIA's emphasis is on cultural renewal through the arts concept.

In addition to that, the Bureau administers the higher education grant program. We have seen in the last 10 years the number of Indian students skyrocket while the amount of money available for scholarships remains about constant. It has plateaued out, and it has not gone up.

One of the concerns that I had while I was in the Bureau was that the Interior Department and OMB, at that time, said to the Bureau,

> If you don't develop joint regulations between the Bureau and, at that time, the HEW Office of Education to try to streamline the manner in which scholarship funds and financial aid get out to Indians, we are not going to approve or allow your money to come forward.

I don't know to this date, I left in 1975, and I am not sure if the Bureau of Indian Affairs, after about 6 years, has completed those joint regulations. Maybe somebody from the Bureau, when they testify, can address that. But I know, to the best of my knowledge, they have not yet completed those regulations.

So what you have are the tribally controlled community colleges, the Bureau operating federally controlled Haskell Junior College, SIPI, and IAIA, and the other providers of college services, non-Indian 4-year institutions, and so forth.

My feeling is that the need is so great for everyone in terms of meeting the higher education needs, that tribal colleges should not be viewed strictly as competitors, even though I know in reality they are, for declining enrollments in the dominant sector.

I believe that the tribal colleges can compliment, and Bureau schools can compliment the 4-year non-Indian institutions, colleges, and universities by training people at home at the associate of arts level, and then preparing them to better succeed when they spin off into a 4-year college or a university.

Mr. ERDAHL. Thank you, Mr. Clifford.

Thank you, Mr. Chairman.

Mr. SIMON. In my opening remarks, I mentioned a former member of the Congress by the name of Mike Blouin, who has pro-

vided a great deal of leadership. I am pleased to note his presence here.

I mentioned a current member who is providing the leadership. He has joined us; he is the gentleman from Michigan by the name of Dale Kildee.

Mr. KILDEE. Thank you, Mr. Chairman, and I do appreciate your kind remarks regarding myself and Mike Blouin. I worked in the vineyard with Mike for many years to help secure a degree of justice for Indians of this country. As a matter of fact, Mike and I have been working for 1½ weeks on a victory we have just secured in the reconciliation conference committee on title IV and other Indian education programs.

I appreciate, Mike, your calling regularly to make sure we took care of that.

Mr. Chairman, I really want to thank you for allowing me to participate in this hearing, although I am not a member of this subcommittee as such.

I have been interested for a long time in the legal, moral, and treaty obligations which the United States Government has to the Indians of this country. Additionally, I have been down to the United States archives to look at the treaties which we signed with the Indian nations of this country.

In every treaty I have read, education is promised to the Indians. I think we, as the legislative branch of the United States Government that signed those treaties with the Indians, have not only a moral and legal obligation, but we also have the obligation to respect those treaties.

I think this tribally controlled community college program is an essential link in fulfilling those obligations. Like any relatively new institution, it goes through a process. I really think that our expectations for that system have been and are being fulfilled. We want to work closely with you on that.

If I may just ask a couple of questions on that. How successful have the institutions been compared with other institutions in retaining Indian students? Do you have any figures on your retention rate?

Mr. CLIFFORD. I heard recently that the dropout rate at non-Indian colleges and universities, as far as Indians are concerned, is around 9 percent. Then we found that the dropout rate at tribal colleges, certain tribal colleges, has been 9 percent. So we are no worse off than non-Indian institutions in terms of retention.

I think that one thing that needs to be pointed out is that in looking at community colleges, and the history or concept of community colleges, we would like to look at it in terms of stopout. You know the number that stopout, go back to work, assist the tribe, and then come back to the college to gain additional skills.

I think one has to look at a community college in terms of the broad context. While the colleges do have degree oriented programs, they also have nondegree oriented programs that are designed to attempt to meet the needs of all Indians on the reservation.

Mr. KILDEE. So the percentage is about the same. On a student profile, do you find a greater number of people who might be at-

tending the tribally controlled community college who might not be going to other types of colleges?

Mr. CLIFFORD. I am not sure on that, but we will provide that information for the record.

Lionel, Mr. Badwound, and others will be testifying, and I am sure they can give you more factual information.

Mr. KILDEE. If they can address themselves to that, it will be interesting for the committee.

Perhaps you, or maybe one of the witnesses later on, could answer this. How have the FTE count and the grant payment procedures worked so far? Would you propose any changes in the FTE count and grant payment?

Mr. CLIFFORD. That is certainly a real problem that our colleges were confronted with during the current fiscal year 1981 period. We have situations where the Bureau negotiated the grant agreements for a specified amount of money based on the FTE. As a result of a GAO audit that was recently completed, some of the schools are going to have to pay some money back, others are in a situation where they are going to gain because of the GAO audit.

As I mentioned before, the problem that the colleges have been confronted with is that when they sit down and arrive at a dollar figure for the year and negotiate their instructor contracts, and their administrative staff contracts, then they find that the Bureau of Indian Affairs subsequently comes back at a later date, not specifically on the FTE audit, with a reduced budget.

What the Bureau has done is that they have come back and reduced the budgets after the academic year was underway and after commitments had been made. It reduced certain college budgets in order to generate enough funds to fund new colleges that were starting up.

We feel that it hinges on mismanagement, and certainly they are not using much common sense in terms of recognizing that there needs to be some cutoff point. In other words, if an institution doesn't receive a feasibility study by a certain date, then that institution should not be eligible for funding until the next subsequent fiscal year period. This would tend to stabilize the funding of the existing colleges, and at least they would be able to plan and execute their programs and control them better if they knew what their budgets were going to be.

In the case of the FTE audits, there we have a situation where some of the colleges may have to pay back some money. But we are working cooperatively with the Bureau to try to ease that particular predicament that our colleges are confronted with right now.

So there are real problems in that area.

Mr. KILDEE. Thank you.

Looking at the makeup of this committee on both sides of the aisle, I know that you will find a subcommittee that really wants to work cooperatively with you. I think that this committee has really worked well together. Everyone on the committee has a real awareness of the obligations that we have to the Indians of this country.

I know that the committee will want to work with you cooperatively in any of these growing pains and make sure that the tribally controlled community colleges serve the needs of the Indians of this country.

Thank you very much.

Mr. CLIFFORD. Thank you.

Mr. SIMON. We thank you very much for your testimony, Mr. Clifford, and we wish you the best. We look forward to working with you.

Mr. CLIFFORD. I would like to, if I might, leave some college catalogs for the committee.

Mr. SIMON. Thank you. We would like to have those.

We have been joined by our colleague from Connecticut, Mr. DeNardis.

Mr. DENARDIS. Mr. Chairman, I have no questions at this time. As a new Member of the Congress, and a new member of this subcommittee, I find the subject matter this morning extremely interesting. It has been a learning experience for me.

Mr. SIMON. Now if we may have the presidents of the various schools who will constitute the panel. We have no special seating order here.

Mr. ERDAHL. Mr. Chairman, I would move at this time, if there is no objection, that the testimony by Mr. Clifford, and any testimony that these individuals might submit, be included in their entirety in the record.

Mr. SIMON. Without objection, any formal statement you have, we will enter into the record. For purposes of saving time, if you would care to summarize your remarks, it would probably be helpful. Unless you have any preference as to how you want to go, that you have decided among yourselves, I am going to call first on Mr. Joe McDonald, the president of Salish-Kootenai Community College.

Gradually, you are enriching our culture here. We are slowly learning.

Mr. MCDONALD. It is the Salish-Kootenai Community College on the Flathead Indian Reservation in western Montana.

STATEMENT OF JOE McDONALD, PRESIDENT, SALISH-KOOTENAI COMMUNITY COLLEGE

Mr. MCDONALD. My name is Joe McDonald. I am the President of Salish-Kootenai Community College, and I am speaking on behalf of all the tribally controlled community colleges in Montana, and also the Lummi College of Fisheries in western Washington.

I have been active in the community college development in Montana since it started. I have had an opportunity to observe the colleges grow. I have had an opportunity to work with the Black Feet Community College and Salish-Kootenai Community College since they started.

I have with me representatives of some of the colleges. We have John Woodenlegs, a board member from Dull Knife Memorial College way, way back there. We also have Richard Poole, the president of the Lummi College of Fisheries. Representatives of Little Big Horn, Black Feet, and Fort Peck Community Colleges could not be here today.

I think that the rapid growth in the tribally controlled community colleges which we have seen is due largely to Public Law 95-471,

because it has provided us with the funds to really become viable colleges.

We started as developing institutions under the title III act, working as a satellite campus or a branch campus of accredited community colleges in our area or accredited 4-year colleges. We ran our programs with them, and under their guidance to get started. When we got the 471 funds, it gave us the go-ahead then to really truly develop colleges.

At that point I became president of the college, instead of director of the vocational education program. We were all doing that.

Our schools have really grown. The Black Feet Community College has grown to well over 200 full-time equivalent from its start about 4 years ago. In our school, we had 13 FTE in the beginning at Salish-Kootenai Community College, and we have over 200 FTE students.

At Fort Peck Community College, a real isolated part of Montana, they are expecting 200 to enroll this fall. Dull Knife Memorial College is in an isolated part of southeastern Montana, 70 miles from Billings, 100 miles from Miles City, where there are colleges, and they are serving a very important role in the development of their tribe.

Little Big Horn Community College is suffering under the problem that LeRoy alluded to in not being eligible for technical assistance money because they are not far enough along to be determined feasible. I will talk about that a little bit later.

The Lummi College of Fisheries services an Indian population in western Washington that depends on fisheries both economically and for religious and tribal purposes. The fisheries are very important to them. So Lummi serves a large population of the western Washington tribes, and we have people from our tribe, the Salish-Kootenai Tribe that go out to the Lummi School. We used to call it the Indian School of Aquaculture, and it is now the Lummi College of Fisheries.

Each college, under its local control that it now has with the 471 funds, has developed programs that meet the needs of their particular tribe. Dull Knife and Little Big Horn are in an area, which you are well acquainted with because of the oil and the coal development that is taking place there or is potentially going to take place there, and the tribes are looking to those colleges for leadership and the training of people to work in the coal development, or work in the oil development.

The Black Feet are up there in the north-central part of Montana, and they are also in this area of future oil development. They have a lot of needs in a number of areas, and they have developed their programs around meeting those needs.

They are very isolated from 4-year schools there, so they have a large general studies program, a college transfer program. They have a building program, and they also have a program to train office workers.

On our reservation, the Flat Head Indian Reservation, we are in an area that is abundant in forest resources, hydroelectric resources, and outdoor recreation resources, and so our curriculum pretty much centers around that. We train forest technologists.

Our entire forest program is managed by graduates of our college, by our 4-year program. This fall, we are going to have 10 of our graduates go to Western Montana College and proceed on for 4-year degrees. Then, they can come back and assume those positions in the BIA that are reserved for B.A. graduates in forestry.

We have quite a building boom in our area of homes and tribal construction. We have trained a lot of people in building construction. It is one of our bigger parts. Now we are building a tribal office complex, a $1.4 million complex, and it is all our former students and present trainees who are doing the entire construction. The foreman and all the workers are either apprentice/trainees or else they are journeyman carpenters as a result of the program. We are having that kind of an impact.

We have had some failures, and we have been asked to address those. We are new institutions, developing, and we will do a needs assessment, do a study. If people say they need a particular program, and it looks like that there is a need for the program, we will develop it.

Then economics will change, people's intentions will change, and the program will not go. We have had those kinds of beginning failures. We try to recognize them quickly and change and utilize our resources in a better way.

The most difficult problem we have had is what you have heard, the stability of funding through 471. Our budget for next year will be developed after we count the students on the sixth week of the term this fall. We need to start, and we are planning now.

We have instructors in the wings, administrative staff in the wings, and counselors, and we have not been able to issue any contracts. We issue a letter of intent to hire, but we can't really get into a contract until we know what kind of money we are going to have.

We know quite closely what our FTE is going to be, but we don't know what the amount per FTE is going to be. It varied last year from $3,400 to finally finishing up at $2,800 per FTE. So we are in that kind of situation.

I think the Bureau does a good job of adjusting. They get the FTE at the end of the sixth week, and they notify us of what we are going to have. Last year, as new schools became eligible, they adjusted. We were one of the schools that ended up owing money. After the GAO audit, we did not have the FTE that we thought we had. We thought we had 125 FTE, but the GAO found that we had 118. We do have those funds to pay back.

There is a need, and LeRoy mentioned it, for forward funding so that we can get our money at the start because we do have to keep our institutions going, we have to meet our payrolls, and we have to pay our light bill, our insurance costs, and all those on-going insurance costs that come up. We desperately need to get the money as early in the fall as possible.

We need in FTE to be able to count all the students. We need to be able to design the programs that meet our tribe's needs, and then be able to count those FTE. So we need to build the count for people who attend workshops, summer school, pre-session workshops, and independent study. Those kinds of FTE need to be able

to be counted, and the present definition kind of limits us in that line.

As far as the accreditation is concerned, the schools all have candidacy status with the exception of Little Big Horn. Black Feet, Lummi, Dull Knife, and Salish-Kootenai all have candidacy status. Fort Peck Community College has its application in, and the Northwest Commission of Schools and Colleges will meet this December, and we hope that they will be advanced to candidacy status at that time.

Candidacy status puts us under a limitation. Once you have advanced to candidacy status, you have to become accredited within 5 years in the Northwest Association. So it really puts us under a strict time-line to be able to design our program, say what we are going to do, and then prove to the accrediting association that, yes, we can do it. We are doing the work. We are keeping good records. We are keeping good financial records. We are carrying out the program that we said we were going to carry out.

At this point, 471 funds really play an important role because they give us that solid financial base that we need. We need to have Public Law 95-471 authorized for a longer period of time than the 3 years. We would appreciate any adjustment that we can get there in the reauthorization effort.

I guess this concludes my testimony. I thank you and the members of the committee and their staff for taking the time to hear this.

[The prepared statement of Joseph McDonald follows:]

PREPARED STATEMENT OF JOSEPH F. MCDONALD, PRESIDENT, SALISH KOOTENAI COMMUNITY COLLEGE FOR TRIBALLY CONTROLLED INDIAN COLLEGES IN THE NORTHWEST

Congressman Simon and committee members, my name is Joe McDonald. I am the President of Salish-Kootenai Community College and I am going to speak on behalf of my college and the other tribal colleges in the Northwest. Accompanying me this morning are representatives of Black Feet Community College, Dull Knife Memorial College, Lummi Indian School of Aquaculture and Little Big Horn Community College. Dr. Mike Telep has asked me to speak for Fort Peck Community College.

I would like to take this time to thank the members of the committee and their staffs for taking the time to hear about the develoment of our colleges. I had the pleasure of working with Blackfeet Community College in its very beginning and observing the progress of Fort Peck Community College, Dull Knife Memorial College, Little Big Horn Community College, and the Lummi Indian School of Aquaculture since they started. I have been with Salish-Kootenai Community College from its very beginning.

The rapid growth of the tribally controlled Indian college in the Northwest is truly remarkable. In a short span of 4 years Salish-Kootenai Community College has grown in enrollment from and FTE of 13 to over 200. Black Feet Community College has an FTE of over 200 in the short span of 5 years. Fort Peck Community College is expecting over 200 students this fall. Dull Knife Memorial College is preparing to play an important role in training the Cheyenne people in mining and oil technology. Little Big Horn Community College served 110 students this past year and is looking forward to working in mining technology for the Crow people. The Lummi Indian School of Aquaculture serves tribes throughout the Northwest in developing marine biologists, and had a full-time enrollment of 85 this past year and awarded 18 associate of arts degrees.

Each college, through its local control and leadership, has developed special programs to meet the needs of its tribe and the tribe's members. The Lummi Tribe relies almost entirely on fishing for its survival. Its college therefore specializes in fish biology and technology. The Northern Cheyenne Tribe and the Crow Tribe are amid massive coal development and potential oil development, so their colleges are concentrating in these areas. The Fort Peck Tribe is the center of oil development

and pipeline construction. Its curriculum centers around the construction trades. The Black Feet Tribe needs tribal specialists in many areas, so their college specializes in college transfer programs, paraprofessional counselors, and office secretaries. The Flathead Indian Reservation has abundant timber and wildlife resources and is located within a great deal of building construction. Salish-Kootenai Community College trains forest and wildlife technicians, building trade trainees, office secretaries and paraprofessional counselors.

The colleges have had a great deal of success in helping to develop the human resources on their reservations. They have given the people on the reservation a sign of hope, a chance to improve their job skills, a learning resource that they can turn to for help. The tribal colleges have provided the tribal governments needed information and expertise in areas where important decisions are made.

We have all had some failures as most new developing institutions do. We sometimes see a need for a program and upon developing it, the program is not successful. We get our funding from a variety of sources with a variety of eligible program recipients and a variety of rules on how the funds can be spent. This leads to complications in program management and sometimes we have trouble with fiscal audits, program evaluations, and FTE audits.

The most difficult problem that our tribal colleges face in relation to Public Law 95-471 is the stability of funding. Our budget will be developed for next year after we count the students on the sixth week of the first school term, and it has not been established how much the funding will be per FTE.

This system causes a series of problems. At the present time we are trying to develop budgets for next year. We have a fair projection of our enrollment, but we do not know what the amount per FTE will be. We are thus unable to get a close estimated budget total. The Bureau of Indian Affairs does a very good job of helping us as much as possible and adjusting our budget amounts after the sixth week of the first term. This year, however, even after the sixth week budget adjustment, our final contracts were adjusted considerably. In many cases the budget adjustments were downward.

For the upcoming school year, we at Salish-Kootenai Community College have not yet entered into binding contracts with administrative, teaching, or support staff personnel until we can get some indication of what funding per FTE we can expect.

All of our colleges are in various stages of becoming accredited. Black Feet Community College, Dull Knife Memorial College, the Lummi Indian School of Aquaculture, and Salish-Kootenai Community College all have candidacy status with the Northwest Association of Schools and Colleges. Fort Peck Community College has made an application for candidacy status and is hoping to be granted it in December, 1981. Once a college is advanced to candidacy status it is given 5 years to prove to the accrediting agency that it can successfully carry out its educational program and will be in existence for many years in the future.

We thus need the help of Congress to assure that there will be stability in funding and that we will be able to provide a consistent educational program for our students. The self determination of our tribes is dependent upon their educational program. Tribally Controlled Indian Colleges are the most successful educational programs that the tribes have ever been involved in. Please help us to keep the viable effort going.

Thank you very much for taking the time to hear from us. My colleagues and I are pleased to be here and will be pleased to answer any questions you might have.

Note: This testimony was given on behalf of Tribally Controlled Indian College in the Northwest which include Black Feet Community College, Dull Knife Memorial College, Little Big Horn Community College, Lummi Indian School of Aquaculture, Fort Peck Community College, and Salish-Kootenai Community College.

[Material submitted for the record follows:]

PREPARED STATEMENT OF DARRYL DUPUIS, BOARD CHAIRMAN, SALISH-KOOTENAI COMMUNITY COLLEGE, PABLO, MONT.

Dear committee members, thank you for taking time to hold an oversight hearing on the important Public Law 95-471 legislation. The legislation has been in effect for two fiscal years and has had a tremendous positive impact on tribal colleges eligible for funding under its authorization.

Salish-Kootenai Community College serves an Indian community of 5,000 Indians in an area comprising 1.2 million acres. The College was officially chartered in 1977 by the Tribal Council of the Confederated Salish and Kootenai Tribes. It has an administrative office, library, and classrooms at Pablo; college centers are located at Elmo, Ronan, St. Ignatious, and Arlee.

This past year it served over 700 students and had a full-time equivalency of 220 students. At graduation this spring, 35 students graduated and next year we are planning an even larger graduating class. The rapid growth of our College is due to Public Law 95-471.

The legislation has enabled us to design curriculum programs to meet the special needs of our tribe and its members. It provides the fiscal resource for our College to provide a library and learning resource center, the funds for a full student services and administrative component, the funds for instructors in Native American Studies and General Studies. In summary Public Law 95-471 funds are utilized to fill-in all the necessary components to make the College viable and eligible for accreditation.

The educational needs of our tribe are many. As with many reservations, our tribe struggles to provide imployment opportunity. Upon given the opportunity, our Indian applicants are often not qualified or lack job skills to get the job. It was common in past years for the tribe to develop a program and find it necessary to hire non-Indians to direct the program and to do the skilled work. Salish-Kootenai Community College is addressing this problem.

The programs offered by the College are training forest technicians, natural resource specialists, skilled building trades workers, day care and head start teaching aids, secretaries, small business managers, and skilled program managers. As a result of these programs, you will see our Indian people doing many of these jobs for our tribe.

Presently, a $1.3 million office building is being constructed for our tribe by former and present carpentry trainees from our College. Four of the carpenters are now journeyman carpenters due to our apprenticeship program. The tribal forestry management team is made up, almost entirely, of graduates of our Forest Technology Program. Ten of these people are registered, on a work release program, to attend Western Montana College to complete their B.A. degrees in forestry. Former and current students of our College are working throughout various tribal programs. They are working with increased efficiency and skill, with career advancement and increased salary, and with a great deal of self pride.

We have had few problems with the BIA administration of Public Law 95-471 funds. There are some changes we would like to see made in legislation to reauthorize Public Law 95-471. We need to know at least six (6) months in advance of the fiscal year what our funding will be. The official count of Indian FTE needs to be designed so that programs can be offered to meet the needs of the tribe, which include workshops after the sixth week of each quarter, pre-session course offerings, independent study, and summer school. There needs to be a clarification of the way the funds can be spent. There needs to be a slowing down of the number of auditors, evaluators, and FTE count certifiers coming to our colleges. They are virtually running over one another now on their way in and out of our College.

Due to the mandate of Public Law 95-471, our College has made good progress toward accreditation. It has been advanced to candidacy status with the Northwest Association of Schools and Colleges. This relationship with the accreditation association has had some very positive impacts upon our college. We have defined our mission, our objectives, and our program. We are now proving to ourselves and to the Northwest Association that we can carry out our education program, keep accurate student and financial records, develop long-range plans, and assure the academic community that we are here to stay.

Thank you very much for the opportunity to provide this written testimony for the record of the Oversight Hearing on the Tribally Controlled Indian Community Colleges held by the House Subcommittee on Post-Secondary Education, July 23, 1981.

SALISH-KOOTENAI COMMUNITY COLLEGE,
Pablo, Mont., August 18, 1981.

PAUL SIMON,
Chairman, House Subcommittee on Postsecondary Education
Washington, D.C. 20515

DEAR CONGRESSMAN SIMON: The following is the information you requested in your letter dated July 30, 1981. I apologize for the delayed response.

Funding source	Amount	Percentage of total
SCHOOL YEAR 1980–81		
Public Law 95–471 funds	$357,000	40
Vocational education-Indian contract program	191,000	22
Adult Basic Education—Title IV	94,000	11
State vocational education-natural resources and forestry	31,000	3
Carpentry	49,000	6
Tuition	39,000	4
Title III, Higher Education Act	100,000	11
CETA labor	15,000	2
Special services	9,000	1
Total	887,000	100
SCHOOL YEAR 1979–80		
Public Law 95–471	$265,000	33
Title III, Higher Education Act	110,000	14
C.S. & K.T.—93–638 (grant office)	53,784	7
C.S. & K.T.—Forestry program	34,224	4
Adult Basic Education—Title IV	104,336	13
Vocational education—Indian contract program	173,563	22
State vocational education—natural resources	33,257	4
Argonne Laboratory grant program	24,985	3
Total	799,365	100
SCHOOL YEAR 1978–79		
Title III, Higher Education Act	35,000	8
C.S. & K.T.—Forestry program	33,000	8
C.S. & K.T.—93–638 (grant office)	41,784	10
Adult Basic Education—Title IV	77,000	19
Vocational education—Indian contract program	182,000	44
State vocational education—natural resources	31,000	7
Argonne Laboratory grant program	15,424	4
Total	415,208	100

In answer to your last question—I don't know why "a data collection system. . . ." has not been developed. It would be very easy to do. We presently report to the Department of Education Higher Education Grant Information System (HEGIS) data pertinent to our institution.

It does not deal with Indian FTE, however, and asks for some data that is hard to gather. A system dealing directly with tribal colleges would be very helpful to us and we would be most happy to cooperate.

Yours truly,

JOSEPH F. MCDONALD,
President,
Salish-Kootenai Community College.

Mr. SIMON. We thank you, Mr. McDonald.

Next is the president of the Turtle Mountain Community College, Mr. Gerald Monette.

STATEMENT OF GERALD MONETTE, PRESIDENT, TURTLE MOUNTAIN COMMUNITY COLLEGE

Mr. MONETTE. Mr. Chairman, my name is Gerald Monette, and I am president of the Turtle Mountain Community College.

Today I am here as spokesman for the Indian tribal colleges that are from the State of North Dakota. These colleges include the Little Hoop Community College at Fort Totten, N. Dak.; Standing

Rock Community College at Fort Yates, N. Dak.; and Fort Berthold Community College at Newtown, N. Dak.; and, of course, my institution, the Turtle Mountain Community College at Belcourt, N. Dak.

Today, we have the presidents of these institutions in the room. They are Phyllis Howard of Fort Berthold, Wayne Stein of Standing Rock, and Don Madder of Fort Totten.

All the institutions in the State of North Dakota are, of course, chartered by their tribes to offer higher educational services to the people of their reservations.

Back in 1976, in testimony presented to the Subcommittee on Indian Affairs during the 94th Congress, our colleges stated that they considered the assistance of the Tribally Controlled Community College Act as vital to the growth of higher educational opportunities for Indian people.

We further stated that if funding became available, the dropout rate for Indian students would be reduced and that the nontraditional Indian student would be better served. We also stated that our institutions, if made operational, would have an impact on the economic development of our reservations.

We look back over the years, and we find that these statements of goals have been judicious. To begin with, all of the colleges have a basic philosophy of integrating the culture of the reservations into the curriculum as a means of preserving the integrity of the culture of each of the reservations represented.

Public Law 95-471, the Tribally Controlled Community College Act, has contributed to the establishment of our colleges as the primary higher education institutions on the reservation, serving the Indian people of our reservation. Although the act has been implemented for less than 2 years, we can clearly illustrate some successes. Probably the best measure of our successes is to look at our achievements.

To begin with, there were some questions earlier on the dropout rate of our students. At the Turtle Mountain Community College, our dropout rate this past school year for full-time students was 8 percent and for part-time students it was 6 percent.

President Phyllis Howard of the Fort Berthold Community College has indicated to me that their retention rate of students who began 1 year and returned the following year is 47 percent.

I think these figures, compared to the non-Indian institution serving Indian students, are far lower. The non-Indian institutions have dropout rates as high as 90 percent for some of our students depending upon the institution.

Enrollments at our institutions have increased with the availability of funding from Public Law 95-471. Fort Berthold Community College realized an increase of 70 percent in its student body. The Turtle Mountain Community College realized an increase of 60 percent. The Standing Rock Community College this past year realized a substantial increase when they enrolled 224 students.

The act has allowed us to secure adequate and qualified staff. Along with adequate staff, we have been allowed to increase our curriculum offerings. The ramifications of increasing your curriculum offerings fall into a number of areas: there are more credit

hours generated, we are serving more students, and we are meeting more needs of the Indian population.

In the area of economic development, we have to look at the locations of each of the reservation's schools. Throughout the State of North Dakota there is a great deal of energy development activity taking place. Fort Berthold Community College, which is located nearest that activity, is addressing the needs of the energy development districts.

Little Hoop Community College at Fort Totten, N. Dak., addresses the needs of the Sioux Manufacturing Plant, which is the primary employer on that reservation. I am told by President Don Madder that this past year they were involved in the direct training of 30 individuals at that plant.

Standing Rock Community College is addressing the tribal needs of human resource development, economic development in the area of agriculture, and water rights.

Turtle Mountain Community College is located on the Turtle Mountain Indian Reservation, and we have very little natural resources in the area, but we have a lot of people. We are addressing the needs of the people by offering a well-rounded curriculum in the liberal arts, which is preparing our people to pursue higher education at other institutions, training to be doctors, teachers, and so forth.

The most pleasant factor this past year directly resulting from the act is the fact that we had an increase in the number of graduates from our institutions. The Turtle Mountain Community College graduated 34 academic graduates and 16 vocational education graduates. Fort Berthold Community College had 19 graduates compared to 10 last year.

Little Hoop Community College graduated 6 in the academic area and 104 in the vocational education area. Furthermore, Standing Rock Community College graduated 120 individuals in both the academic and in the vocational certificate area.

Of course, new programs have been added because of the act, and one of the most essential that has benefited us is the library development. Without adequate libraries, we cannot offer the resources that the students need to have for them to have a good learning environment.

The act has allowed us to strengthen our fiscal capabilities by developing sound financial systems, reporting systems, policy manuals, faculty manuals, accounting manuals, and so forth.

All of the colleges in North Dakota are accredited by the North Central Association of Schools and Colleges. The act has made it possible for our schools to become independent institutions, which has allowed us to exercise true Indian self-determination according to the priorities set by our individual tribes.

This brings me to probably the most important contribution of the Tribally Controlled College Assistance Act. Without this funding, our colleges would have no operational funding, and without a funding base no nationally recognized accrediting body would grant our institutions independent accreditation.

In addition, virtually every Federal program for higher education demands accreditation as part of its eligibility criteria, and most private sources are reluctant to fund nonaccredited institutions.

In effect, the act has made it possible for us to satisfy these criteria, while allowing our schools to address institutional development in a systematic fashion.

At this time, I would like to go over some of the areas of recommendation for improvement that we have, where we feel some adjustments to the act could be made.

Mr. SIMON. If I may, and I don't mean to be rushing you here, but we do face a time problem. If you can summarize those recommendations.

Then, for future witnesses, I hate to suggest this, but if you could give us a 2-minute summmation of where you are, and a 3-minute indication of where we ought to be going. If you sneak over a minute or two, there will be no penalty here.

Mr. MONETTE. Thank you, Mr. Chairman. In about 2 minutes I will do this.

First of all, the operational and technical assistance funding for our schools must be at adequate funding levels, this would be our first recommendation, without it we cannot plan. We can't continue to adjust to these sporadic increases and decreases in the funding levels that we have experienced over the past year.

A formal policy must be implemented which protects the college from these sporadic increases and decreases in a timely and manageable fashion.

As was mentioned earlier, some type of mechanism, similar to a forward funding system enjoyed by most American educational institutions, must also be implemented for the tribally controlled community colleges.

The formula and the definition of full-time equivalent contained in the Act must be improved to better serve the goals of the tribal colleges. We are having problems with the implementation of the definition and with meeting the criteria of that definition. Our recommended standard calculation of total credit hours generated divided by 12, I think, is what we are looking for today in North Dakota.

I appreciate the opportunity you have provided me to present my comments to you, and we invite you, each committee member, to visit our schools in North Dakota at any time, to learn first-hand what goes on in the tribally controlled community college.

I welcome questions.

[The prepared statement of Gerald Monette follows:]

PREPARED STATEMENT OF GERALD MONETTE, PRESIDENT, TURTLE MOUNTAIN COMMUNITY COLLEGE AND SPOKESMAN FOR THE NORTH DAKOTA INDIAN HIGHER EDUCATION CONSORTIUM

Mr. Chairman, my name is Gerald Monette. I am President of Turtle Mountain Community College and spokesman for that North Dakota Indian Higher Education Consortium. This Consortium is composed of my own college, Little Hoop Community College, Fort Berthold Community College and Standing Rock Community college.

The Turtle Mountain Community College urges the continuation of the "Tribally Controlled College Assistance Act". The college, which serves the Chippewa People of North Dakota, is located in North Central North Dakota on the Turtle Mountain Chippewa Indian Reservation.

In 1976, in Testimony presented to the Subcommittee on Indian Affairs during the 94th Congress, the Turtle Mountain Community College stated that it considered such "assistance envisaged in the Act as vital to the provisions of higher education-

al opportunities for American Indians". We further stated that when funding became available for Tribal colleges that the drop out rate for Indian Students in college would be reduced, that the "non Traditional" Indian student would be better served, and that Reservation economic Development would improve because "educated professionals need be present * * * to take action to develop the reservation economy" In retrospect we judge these statements of goals made in 1976 to be judicious.

Public Law 95-471, "The Tribally Controlled Community College Act of 1978" has contributed to the establishment of the Turtle Mountain Community College as the primary higher education institution serving the people of our reservation. Although the Act has been implemented for less than two full school years, the impact of the legislation can be clearly illustrated. Our best measurement of success is to show our accomplishments.

On March 5, 1980 the Bureau of Indian Affairs VIA Private Evaluators conducted a feasibility study on the Turtle Mountain Community College. The feasibility study was a pre-requisite to Public Law 95-471 funding. That year using the Full Time Equivalent (FTE) formula prescribed in the Act, Turtle Mountain Community College registered 105 FTE Indian Students. This past year, 1981, after receiving Public Law 95-471 funding, the Turtle Mountain Community College registered 159 FTE Indian Students.

Credit hours generated escalated 46 percent from 4,251 in 1979-80 to 7,558 in the 1980-81 school year. 97 courses were offered before Public Law 95-471 funding and 186 courses were offered after.

The dropout rate for our students is a low 14 percent. This compares to an approximate 49-percent dropout rate reported for Indian Students from Non-Indian Universities and Colleges. Of this 14 percent dropout rate 8 percent are students enrolled in 6 or more credit hours and 6 percent are students enrolled in 6 or less credit hours. This means that the dropout rate for Full Time Indian Students enrolled at our institution is only 8 percent.

The quality and numbers of our professional staff increased, this past year we had 8 full-time instructors and 25 part-time instructors.

Other accomplishments since Public Law 95-471 funding include: New Curriculum including Early Childhood Development, Welding and Building Trades. A Faculty Handbook was developed. A Faculty Committee was established, 1,000 new books were purchased for the library making a total collection of 9,000 books, 75 magazines and 6 newspaper subscriptions. The patron count showed that the library was used 3,300 times this past year. The Student Handbook was adopted.

Most important this past year Turtle Mountain Community College graduated 34 from the Academic Area and 16 Vocational Education students. 171 students received BEOG Financial Aid, this compared to 105 last year. Average Financial Aid awarded was $1,914.

In July of 1980, North Central Association of Colleges and Schools granted a continuation of candidacy status for 2 more years. Public Law 95-471 made it possible for Turtle Mountain Community College to become an independent institution which has allowed us to exercise true Indian self-determination according to the priorities set by the reservation community.

Which brings me to the most important contribution of the Tribally Controlled College Assistance Act. Without this funding Turtle Mountain Community College would have no operational funding base. Without a funding base no Nationally recognized Accrediting body would grant out institution independent Accreditation. In addition, virtually every Federal program for higher education demands accreditation as part of its eligibility criteria and most private sources are reluctant to fund nonaccredited institutions.

In effect Public Law 95-471 has made it possible to satisfy these criteria while allowing the Turtle Mountain Community College to address institutional development, in a systematic fashion.

Little Hoop Community College is a tribally controlled community college serving the residents and communities near and on the Devils Lake Sioux Reservation, located in Fort Totten, North Dakota.

Little Hoop Community College was developed upon the philosophy that Indian students deserve an educational system responsive to their needs and concerns.

The importance of Little Hoop Community College is to provide an educational system to students who can experience success and attain goals to compete in this multicultural world.

At present Little Hoop Community College credits are transferable to any institution operated by private or state organizations.

Through the "Tribally Controlled Community College Assistance Act of 1978" (Public Law 95-471), Little Hoop Community College was able to provide additional course work to students and thus resulting in an increase of graduates. Within the last year Little Hoop produced: 6 receiving Associates of Arts degrees; 104 receiving Vocational Education Certificates; and 21 receiving General Equivalence Diplomas (GED).

The number of graduates and certificate of completions shows a tremendous increase, although the average age level served at Little Hoop is 31 years of age.

LHCC also serves a high percentage of women, this average is 75 percent of which 71 percent are employed. The large factor for the high percentage of women enrolled in college attributes to single, widowed, or divorced head of household persons who need to increase their educational level to maintain their employment.

By receiving Public Law 95-471 monies Little Hoop Community College was able to provide additional staff and faculty members. With the increase in staff members Little Hoop is able to seek funding for additional programs which cannot be funded through Public Law 95-471. (Such as Vocational Education, Special Services for the Disadvantaged, and Adult Basic Education.) These programs will add to increase enrollment and graduates.

Without Public Law 95-471 many of the Tribally Controlled Community Colleges like Little Hoop Community College will result in closing their doors. There is a need for the continuation of Public Law 95-471 and to fund at $4,000 per student as stated in the "Tribally Controlled Community College Assistance Act of 1978".

Established in 1973 to meet the culturally unique educational needs of the members of the Three Affiliated Tribes, Fort Berthold Community College has been chartered by the Tribes and is led by a Board of Directors representing the districts of the Fort Berthold Indian Reservation.

The primary goals of the college are to: 1. retain and strengthen the Hidatsa, Arikara, and Mandan cultures, 2. provide education to adults at convenient times and locations, 3. upgrade the basic skills of tribal members so they can attain GED or college entrance, 4. provide Associates of Arts Degrees and preparation for baccalaureate level education, 5. provide vocational/technical education to meet the manpower training needs of the people and the development of the tribe and, 6. provide community services and technical assistance throughout the reservation.

In developing this potential FBCC offers a wide range of courses for the following degree majors: Mid-management Accounting, Secretarial Science, Environmental Science, Tribal Studies, LPN Nursing, Carpentry, Plumbing, Electricity, and Farm/Ranch Management.

Our College operates on a dispersed learning center model with courses offered in all districts of the reservation. Ten full-time and 24 part-time faculty provide day and evening classes after traveling great distances throughout the reservation. Classes are taught in churches, homes, schools, the tribally operated motor lodge, the tribal administration building, the tribal museum, and in the community college classrooms renovated from army ammunition trailers. Doctoral, masters and bachelor degreed and non-degreed/faculty members are teaching such diversified classes as field biology, Hidatsa language, accounting, Indian family life, and speech and communications. These courses have been developed to meet the expressed needs of our student body, the community and the tribe.

But, dedication to meeting the needs of students is not always enough. Although you may find these kinds of services offered, the personnel are charged with the responsibility of many different positions and individuals are frequently self taught in the required skills of their positions. In the final analysis, resource limitations experienced by the college dictate the breadth and quality of services that we are able to provide.

During the past academic year, Fort Berthold Community College graduates have doubled in number. During academic year of 1979, 10 graduated compared to 19 in the academic year of 1980. FBCC proudly announces the North Central Association of Colleges and Schools granted candidacy status to the institution in May 1981. Fort Berthold Community College established its funding base for the next 2 years through tuition, the Tribally Controlled College Assistance Act, and grant awards.

To illustrate the impact of Fort Berthold Community College on the reservation the following data is provided:

For the 1979 academic year the Bureau of Indian Affairs audit determined the enrollment as 38 full time equivalent (FTE) students. In May of 1981, the FTE audit determined 52 students for academic year 1980.

During the 1980 academic year Fort Berthold Community College served 162 individuals through 39 academic courses generating approximately 650 credit hours.

FBCC offers community service workshops to the public at a rate of approximately four per term on such topics as domestic violence, personal finance, community development, and women's studies.

Out of six documented welfare recipient students in academic year 1980, one half are now employed and supporting their families independent of assistance.

The academic year 1980 retention rate is 47 percent which is twice that of the previous year and seven times greater than the national projected rate for Indian students in non-tribally controlled postsecondary institutions.

The Tribally Controlled Community College Assistance Act has provided the opportunity for stabilized and permanent funding to administer and coordinate the multifunded programs of the college. Fort Berthold Community College is dedicated to continuing and increasing its positive impact on postsecondary education and human resource development for the reservation.

Meeting and implementing the regulations of the Tribally Controlled Community College Assistance Act has not been without difficulties. Initially, the interpretation of a feasible institution appeared to be interpretated in an ambiguous manner. For example, in February 1981, FBCC was reviewed to determine if records were properly maintained to meet regulations of identifying Indian students. FBCC submitted its full time enrollment (FTE) count for which they were to receive funding. In May, a special Government Accounting Office audit of the records indicated a FTE of 52 students, a greater number than FBCC had actually counted. Several phone calls, but no formal report or letter verified this count. A total of $151,398 was paid to the College. On July 20, 1981, a letter was received by the College stating the FTE was determined to be 50 and that $7,874.54 would be deducted from the first quarter payment in fiscal year 1982. This delay and inconsistent process causes confusion and repetition (letter attached).

Fort Berthold Community College Board and staff firmly believe the Tribally Controlled Community College Assistance Act is needed to maintain the positive impact on the reservation. It is hoped a means for improving the implementation of the requirements of the Act will be enforced.

Standing Rock Community College (SRCC) is located on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota. SRCC is a candidate for accreditation with the North Central Association of Colleges and Universities. SRCC also maintains affiliate relationships with Bismarck Junior College (Bismarck, North Dakota), North Dakota State University (Fargo, North Dakota) and the University of North Dakota (Grand Forks, North Dakota).

Course offerings consist of a basic two-year liberal arts program, a business education program, vocational education programs, an agricultural education program, a 4-year degree teacher training program, and a 4-year degree university studies program. The College also offers Adult Education courses for the reservation.

SRCC has been operating since 1972 and presently has an enrollment of 224 students with an FTE of 158. SRCC also owns and operates the Sioux County newspaper and assists the Tribe in various projects such as a bus service to nearby communities, farming and workshops.

Public Law 95-471, the Tribally Controlled Community College Assistance Act, provided fiscal relief so desperately needed by the tribal community colleges. SRCC has begun to develop a long-range budgeting and planning process which has true meaning. Other long-range budgets and plans were done in the past but were changed so often because of unstable funding that they became meaningless.

Some of the immediate positive effects of Public Law 95-471 were felt in the following areas:

1. Staff

SRCC is able to hire more and qualified instructional staff. Previous instructional staff had been severely overloaded in their course load and many part-time instructors were needed. Now more full-time instructors are on board and the need for part-time instructors has been reduced. This brings continuity and a better learning environment to SRCC for its students.

2. Accreditation

SRCC has been able to work more diligently on the recommendations from North Central Association for full accreditation.

3. Curriculum development

SRCC has now the time and administrative staff to focus on projects which upgrade, present and develop new curriculum for the students' educational needs.

4. Instructional administrative and support staff development

Public Law 95-471 has allowed SRCC's staff to take the opportunities offered to upgrade their present skills. This greatly enhances SRCC's staff's ability to do a better job for the students and the community.

As can be seen by the few examples stated above, Public Law 95-471 has been a vital funding source for the college. SRCC states its strong support of Public Law 95-471.

The North Dakota Consortium, based on its experience makes the following recommendations:

Operational and technical assistance funding for the Tribally Controlled Community Colleges must be at adaquate funding levels.—Comprehensive institutional development is dependant upon adaquate and stable funding.

As was presented in the previous testimony four colleges serving the Indian people of the State of North Dakota have realized measurable growth because of Public Law 95-471. Clearly Public Law 95-471 has made our Tribal Colleges a reality. Adquate funding levels are essential. For fiscal year 1981 the Government Accounting Office (GAO) in a special audit of our colleges in North Dakota verified a student FTE count of 159 for the Turtle Mountain Community College, 142 for Standing Rock Community College and 21 for Little Hoop Community College. In addition Fort Berthold Community College reported and FTE count of 52. According to the law, based upon the formula, for fiscal year 1981 our four North Dakota Colleges should have realized $1,496,000. In reality our schools received $1,073,555 or $422,445 less than expected.

Major fluctuations in the payment process consistently resulted in cash flow problems. Planning for curriculum, staffing and overall institutional development is severely handicapped because of fluctuations in funding levels and in processing of payments. A formal policy must be implemented which protects the college from these sporadic increases and decreases in a timely and manageable fashion.

A quick illustration of the problems. The Turtle Mountain Community College received it first payment for the 1980-81 school year on December 11, 1980, the school year started on September 1, 1980. A grant agreement was signed on November 25, 1981 for the amount of $428,000; on January 26, 1981 an adjusted agreement was processed for $370,000; on March 16, 1981 another adjusted amendment was processed for $481,444. On July 14, 1981 we were informed that our fiscal year 1982 funding level would be reduced by $25,039.37 because of an overpayment during fiscal year 1981.

As of today none of the colleges can offer any legally binding employment contract to any prospective instructor, administrator or support staff person for the 1981-82 school year. We do not have any idea what we will receive for the forthcoming school year, which starts in 5 more weeks.

Some type of mechanism similar to the "forward funding" system enjoyed by most American educational institution must also be implemented for the Tribally Controlled Colleges.—A "forward funding" system would solve numerous other fiscal planning problems. Institutional and departmental budgets which dictate development could be planned and implemented with greater efficiency and in the end there would be better accountability and use of federal funds.

The "Full Time Equivalent" definition contained in the Act must be improved to better serve the goals of the Tribal Colleges.—There are problems with the formula used to calculate "Full Time Equivalent" and with the ramifications of implementing the restrictions of the definition.

The definition of "Full Time Equivalent Indian Student" encourages Indians to remain in college longer, and thus require Bureau support for a longer period of time, and ultimately the expenditure of more funds. The definition allows colleges to register the impact of all credits earned by part-time students (Part-Time Credit Hours Generated Per Term/12), but only allows colleges to register the impact of the first 12 credit hours generated by the full-time students. If a college encouraged students to take greater than the minimum credit load, and thus graduate sooner saving the Bureaus support dollars, that colleges would be penalized by losing dollars for every credit over the minimum load taken. Ironically the Higher Education Scholarship program encourages the reverse.

The standard method of calculating FTE which is used by most institutions of higher education throughout the United States should suffice for Tribally Controlled colleges too. "Full Time Equivalent" students should be calculated by summing up the credit hours generated per academic term and dividing by 12.

I appreciate the opportunity this committee has provided to comment on the implementation of the Act and the impact of tribally controlled community colleges. As spokesman for the North Dakota Indian Higher Education Consortium, I extend

to you, Mr. Chairman and members of the Committee, an invitation to visit our campuses and our reservations to witness for yourselves the impact of the College on the reservation in contrast to the opportunities less than a decade ago.

[Material submitted for the record follows:]

PREPARED STATEMENT OF PHYLLIS HOWARD, REPRESENTING FORT BERTHOLD COMMUNITY COLLEGE

Mr. Chairman and Members of the Committee: My name is Phyllis Howard. I appreciated the opportunity to appear before you today as a Mandan and Hidatsa Indian representing the Fort Berthold Community College.

Established in 1973 to meet the culturally-unique educational needs of the members of the Three Affiliated Tribes, Fort Berthold Community College has been chartered by the Tribes and is led by a Board of Directors representing the districts of the Fort Berthold Indian Reservation.

The primary goals of the college are to: 1. retain and strengthen the Hidatsa, Arikara, and Mandan cultures, 2. provide education to adults at convenient times and locations, 3. upgrade the basic skills of tribal members so they can attain GED or college entrance, 4. provide Associates of Arts Degrees and prepartation for baccalaureate level education, 5. provide vocational/technical education to meet the manpower training needs of the people and the development of the tribe and, 6. provide community services and technical assistance throughout the reservation.

If you were to visit Fort Berthold Reservation and review the activities of the college in the community, you would find our role is a diverse one seeking to impliment increasingly complex and urgent mechanisms to meet the needs and aspirations of our people. Our mission is to provide postsecondary education to members of the tribe. Our efforts have centered on the development of students' potential to enter the job market as tribal, community employees and business owners.

In developing this potential FBCC offers a wide range of courses for the following degree majors: Mid-management, Accounting, Secretarial Science, Environmental Science, Tribal Studies, LPN Nursing, Carpentry, Plumbing, Electricity, and Farm/Ranch Management.

Our College operates on a dispersed learning center model with courses offered in all districts of the reservation. Ten full-time and 24 part-time faculty provide day and evening classes after traveling great distances throughout the reservation. Classes are taught in churches, homes, schools, the tribally operated motor lodge, the tribal administration building, the tribal museum, and in the community college classrooms renovated from army ammunition trailers. Doctoral, masters and bachelor degreed and non-degreed/faculty members are teaching such diversified classes as field biology, Hidatsa language, accounting, Indian family life, and speech and communications. These courses have been developed to meet the expressed needs of our student body, the community and the tribe.

One of our major accomplishments has been the development of an Environmental Science major. This major began as a community service offered by the College. Through funding from the National Center for Appropriate Technology, the College offered a public workshop on the application of wind and solar energy. This effort was followed by two successive summer programs supported by the Old West Regional Commission and Argonne National Labs. These Programs that involved 68 students that represented 12 reservations with 60 percent coming from the Three Affiliated Tribes. The College, since the termination of Argonne/Old West funding has sought to institutionalize the community needs through the development of our Environmental Science major. Through the use of the Intergovernmental Personnel Act (IPA), we have obtained the services of a Field Biologist. Coupled with our continuing full time faculty in the science/math areas, we are now well on our way.

Fort Berthold Community College has a student service program geared to provide testing, counseling and developmental education. Counselors specialize in academic and vocational counseling, financial aid counseling, and tutorial assistance. Fort Berthold Community College has a dedicated staff that provides a range of services geared to address the needs of each individual student.

But, dedication to meeting the needs of students is not always enough. Although you may find these kinds of services offered, the personnel are charged with the responsibility of many different positions and individuals are frequently self taught in the required skills of their positions. In the final analysis, resource limitations experienced by the college dictate the breadth and quality of services that we are able to provide.

We have made great strides in the development of programs that are reflective of our needs. When one goes beyond the outward manifestations of our efforts, one

finds that the strides have not been without some shortcomings. Without adequate funding for library development, we find students with little resource to prepare term papers, faculty are restricted due to the long distance traveled to provide classes, and a high turnover in staff and faculty due to rural isolation and the high cost associated with living in the area.

During the past academic year, Fort Berthold Community College graduates have doubled in number. During academic year of 1979, 10 graduated compared to 19 in the academic year of 1980. FBCC proudly announces the North Central Association of Colleges and Schools granted candidacy status to the institution in May 1981. Fort Berthold Community College established its funding base for the next two years through tuition, the Tribally Controlled College Assistance Act, and grant awards.

To illustrate the impact of Fort Berthold Community College on the reservation the following data is provided:

For the 1979 academic year the Bureau of Indian Affairs audit determined the enrollment as 38 full time equivalent (FTE) students. In May of 1981, the FTE audit determined 52 students for academic year 1980.

During the 1980 academic year Fort Berthold Community College served 162 individuals through 39 academic courses generating 650 credit hours.

FBCC offers community service workshops to the public at a rate of approximately four per term on such topics as domestic violence, personal finance, community development, and women's studies.

Out of six documented welfare recipient students in academic year 1980, one half are now employed and supporting their families independent of assistance.

The academic year 1980 retention rate is 47 percent which is twice that of the previous year and seven times greater than the national projected rate for Indian students in non-tribally controlled postsecdonary institutions.

The Tribally Controlled Community College Assistance Act has provided the opportunity for stabilized and permanent funding to administer and coordinate the multi-funded programs of the college. Fort Berthold Community College is dedicated to continuing and increasing its positive impact on postsecondary education and human resource development for the reservation.

Meeting and implementing the regulations of the Tribally Controlled Community College Assistance Act has not been without difficulties. Initially, the interpretation of a feasible institution appeared to be interpretated in an ambiguous manner. For example, Fort Berthold Community College was not considered feasible, and therefore, ineligible for funding, until February 1981. Attaining this feasibility demand preparation for two visits while simultaneously preparing for a candidacy review from the North Central Association of Colleges and Schools. Since Fort Berthold Community College was not funded until February 1981, the total impact of the funding of fiscal year 1981 will be only evidenced in planning and staffing that will benefit the next year's academic students.

In February 1981, FBCC was reviewed to determine if records were properly maintained to meet regulations of identifying Indian students. FBCC submitted its full time enrollment (FTE) count for which they were to receive funding. In May, a special General Accounting Office audit of the records indicated a FTE of 52 students, a greater number than FBCC had actually counted. Several phone calls, but no formal report or letter verified this count. A total of $151,398 was paid to the College. On July 20, 1981, a letter was received by the College stating the FTE was determined to be 50 and that $7,874.54 would be deducted from the first quarter payment in fiscal year 1982. This delay and inconsistent process causes confusion and repetition (letter attached).

Fort Berthold Community College Board and staff firmly believe the Tribally Controlled Community College Assistance Act is needed to maintain the positive impact on the reservation. It is hoped a means for improving the implementation of the requirements of the Act will be enforced.

We have presented to you evidence of a positive impact on meeting post-secondary education and developing human resources by the location of a tribally controlled community college on the Fort Berthold Indian reservation, a brief overview of the success and continuing challenges, and a reference to two of the deterrents of implementation.

I appreciate the opportunity this committee has provided to comment on the implementation of the Act and the impact of tribally controlled community colleges. As president of Fort Berthold Community College, I extend to you, Mr. Chairman and members of the Committee, an invitation to visit the Fort Berthold Indian Reservation and the Community College, and to witness for yourselves the impact of the College on the reservation in contrast to the opportunities less than a decade ago.

PREPARED STATEMENT SUBMITTED BY STANDING ROCK COMMUNITY COLLEGE, FORT YATES, N. DAK.

Standing Rock Community College (SRCC) is a small tribally controlled college located on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota. SRCC is a candidate for accreditation with the North Central Association of Colleges and Universities. SRCC also maintains affiliate relationships with Bismarck Junior College (Bismarck, North Dakota), North Dakota State University (Fargo, North Dakota) and the University of North Dakota (Grand Forks, North Dakota).

Course offerings consist of a basic two-year liberal arts program, a business education program, vocational education programs, an agricultural education program, a 4-year degree teacher training program, and a 4-year degree university studies program. The college also offers Adult Education courses for the reservation.

SRCC has been operating since 1972 and presently has an enrollment of 224 students with an FTE of 158. SRCC also owns and operates the Sioux County newspaper and assists the Tribe in various projects such as a bus service to nearby communities, farming and workshops.

SRCC has fulfilled a previously unmet need on the Standing Rock Reservation. This is reflected in the number of graduates it has produced since 1976. Most of the graduates had only SRCC to turn to for higher education because of job commitments, family obligations, and geographic and cultural isolation. An interesting side point is the large jump is non-Indian students at SRCC due to its growing reputation as a fine educational institution. The non-Indian students in SRCC's area of North Dakota and South Dakota face many of the same problem as the Indian students.

The impact in numbers is as follows: Associate of arts degree—61; Associate of science degree—14; Bachelor of science degree—35; Nursing certificate—15; Clerical certificate—2.

SRCC's impact on its community will continue to be positive and productive.

The major problem of the past which beset SRCC was the lack of a stable funding source. The everyday worry of paying bills and meeting payroll continually circumvented the need to follow a long-range plan. Without a stable funding source SRCC would have begun to stagnate and the local initiative and interest which started SRCC would not have been enough to prevent stagnation in these times of overwhelming inflation.

Public Law 95-471, the Tribally Controlled Community College Assistance Act, was the fiscal relief so desperately needed by the tribal community colleges. SRCC has begun to develop a long-range budgeting and planning process which has true meaning. Other long-range budgets and plans were done in the past but were changed so often because of unstable funding that they became meaningless.

Some of the immediate positive effects of Public Law 95-471 were felt in the following areas:

1. Staff

SRCC is able to hire more and qualified instructional staff. Previous instructional staff had been severely overloaded in their course load and many part-time instructors were needed. Now more full-time instructors are on board and the need for part-time instructors has been reduced. This brings continuity and a better learning environment to SRCC for its students.

2. Accreditation

SRCC has been able to work more diligently on the recommendations from North Central Association for full accreditation.

3. Curriculum Development

SRCC has now the time and administrative staff to Focus on projects which upgrade present and develop new curriculum for the students' educational needs.

4. Instructional administrative and support staff development

Public Law 95-471 has allowed SRCC's staff to take the opportunities offered to upgrade their present skills. This greatly enhances SRCC's staff's ability to do a better job for the students and the community.

As can be seen by the few examples stated above, Public Law 95-471 has been the stable funding source needed. SRCC states its strong support of Public Law 95-471.

Recommendations for improvement of Public Law 95-471 will be presented jointly with SRCC's fellow North Dakota Tribally Controlled Community Colleges.

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STANDING ROCK COMMUNITY COLLEGE GRADUATE DATA

Type of degree	Indian		Non-Indian		1975–76		1976–77		1977–78		1978–79		1979–80		1980–81		Total
	Male	Female	Male	Female	Spring	Summer	Spring	Summer	Spring	Summer	Spring	Summer	Spring	Summer	Spring	Summer	
Associate of Arts	25	26	5	5	7	0	5	0	9	0	13	0	17	0	10	0	61
Associate of Applied Science	0	13	0	1	0	0	3	0	2	0	5	0	2	0	2	0	14
Certificates:																	
Clerical	0	2	0	0	0	0	0	1	0	0	0	0	1	0	0	0	2
Nursing	0	12	0	3	0	0	0	0	0	6	0	3	0	3	0	3	15
Bachelor of Science	16	19	0	0	0	0	0	0	7	0	11	0	13	0	4	0	35
General Equivalency Diploma	21	33	2	11	0	0	0	0	13	0	13	0	24	0	17	0	67
Total	62	105	7	20	7	0	8	1	31	6	42	3	57	3	33	3	194

Prepared Statement of Lummi College of Fisheries, Lummi Island, Wash.

SUMMARY

The Lummi College of Fisheries is a two year postsecondary institute established in 1973 as a tribally controlled and operated school for aquaculture and fisheries. The institute was designed to provide Native Americans with a science education that could be used to enter tribal, state and federal fisheries programs or continue their education at a four year institute.

The school became a candidate for accreditation in December 1980 with the Northwest Association of Schools and Colleges. This accreditation status has allowed students to receive full credit for work accomplished at the college. Accreditation also assists the school in recruiting efforts as students are drawn from throughout the United States. Since the inception of the school in 1973 more than 50 tribes have been served by this institute. The majority of the students however are from the Pacific Northwest and Alaska. Students from the South Pacific, Canada and Mexico have also attended.

The need for the school has increased since 1974 when tribal fisheries involvement increased dramatically due to federal court decisions which have defined Indian fishing rights. Since 1974 tribes have more than doubled their salmon releases from tribal hatcheries and are making significant contributions to the salmon resource. Further development depends on continued involvement and education. Tribal self-determination and fisheries management are synonymous in the Northwest as many Indian people depend on the fisheries resource for their income. More than 80 percent of the Lummi Tribe is directly involved in fishing and water related activities. The ties to the sea and streams of all the Pacific Northwest tribes can be similarly demonstrated.

Lummi College of Fisheries is steadily increasing the number of Indian graduates and the number of people placed in the fisheries field. In 1978, one associate degree was awarded; in 1978–79 the number increased to eight and in 1979–80 twelve degrees were granted. Further advances were made in 1980–81 when a total of 18 people received the two year college degree of Associate of Science in Aquaculture and Fisheries.

Students from Lummi College of Fisheries are employed by tribal fisheries projects throughout the United States. More than 56 percent of the students are employed in the fisheries field, an employment rate equivalent to a B.S., B.A. degree in the natural sciences. Students are also attending the University of Washington and Western Washington University after graduation from Lummi College of Fisheries to complete the requirements for the B.S. and B.A. degree. Full credit transfer has been achieved by students in some areas of study so the students transfer with a junior status from this institute.

Indian education problems are very complex and the educational needs have been the subject of numerous studies with little success. It appears that we have been able to accomplish success where other institutes have failed. Lummi College of Fisheries has an 82 percent completion rate. The school is still young and many of the people are still attending and completing the Associate degree requirements, however, the continued participation and interest show the school to be heading in the right direction. Access to other postsecondary institutes is certainly open and the extensive network of postsecondary institutes should offer the opportunity for Indian education. Social, political, financial and cultural barriers, however, make access more difficult for Indians, successful participation more problematical and achievement more unlikely. For most Indians access to postsecondary education remains a major problem because of geographic and cultural distance. Lummi College of Fisheries removes many of these barriers by providing an educational environment consistent with their needs, a curriculum that relates to their culture and a student environment that is conducive to achievement.

The greatest problem facing the school has been stability and the constant search for funds to meet the needs of the college. This atmosphere does not provide the stable educational atmosphere necessary to provide an education equivalent to more established institutes. The school has certainly shown, however, that an education can be provided that will meet the needs of Indian people.

The strength of the institute is a responsiveness to the needs felt by the tribal governing bodies. The program offered by the Lummi College of Fisheries has been a response to the need for Indian biologists to manage the salmon resource and the technicians to operate hatcheries to insure the basic support for tribal members is maintained. The present ratio of Indian professional biologists to non-Indian is 1 of 50 or less. Without the professional training for Indians the salmon management

will suffer and place serious economic hardship on both Indian and non-Indian alike.

Graduates of this school are making contributions in management, running tribal fish hatcheries, are more knowledgeable in their fishing occupation, are assisting in tribal fisheries research and management programs, management of tribal oyster operations, technicians in oyster hatchery, stream surveys for spawning escapement, continuing education and many other facets of fisheries. Two elements are satisfied; (1) stability of resource management is accomplished and (2) minorities are placed in areas where there is a serious lack of trained personnel.

Additional information on the institutes is provided by the general catalog and is presented for your information.

Mr. SIMON. We thank you very much, Mr. Monette.

Mr. Steve Baldy, the president of D–Q University. We have been hearing a lot about D–Q University here.

STATEMENT OF STEVE BALDY, PRESIDENT, D–Q UNIVERSITY

Mr. BALDY. I think that if things go right, you are going to be hearing a lot more about D–Q University.

I have about five pages here that I was going to go over, but taking your suggestion, what I would like to do is to just basically reiterate some of the concerns that have already been mentioned here.

First of all, in order for institutions to continue their accreditation status, to maintain their accreditation status, Public Law 95–471 has to be reauthorized. It has to have a longer period of time for the reauthorization.

The Public Law 95–471, during its first year and its second year of appropriation, only allowed the institutions to be funded at approximately 70 percent of the formula that is allowed by the legislation. It makes it a little hard in terms of planning: for example, for the next fiscal year, we are unclear and do not know until we get the contract from the Bureau exactly what the funding is going to be.

This leads into the next concern, and that is incorporating into the legislation some kind of a forward funding mechanism. We have been talking here, and some people have suggested being able to receive notification by, let us say, October. What we are talking about also is speeding that up to July or August, so that we can begin to finalize our contracts at least by July and August for the opening of the fall semester that begins in October.

The other thing that we also touched upon is the inclusion of summer sessions. Apparently, the colleges are not allowed to include those students in the FTE funding formula who attend the institution during the summer.

There have been some suggestions that the rationale behind that is that those programs may be viewed as more exotic and not academic. Well, that may be true at other institutions, but at the tribally controlled community college, we are faced with students who need to go to the summer session to complete a 2-year program. They need to go to the summer program to pick up the courses that they may have missed throughout the first 2 years of their training.

So we are not talking about some exotic kind of a summer session.

That is basically what I would like to say.

[The prepared statement of Steve Baldy follows:]

PREPARED STATEMENT OF STEVE J. BALDY, PRESIDENT, D-Q UNIVERSITY

D-Q University is an Indian controlled, accredited two-year postsecondary institution of higher education, located in Davis, California. The institution is dedicated to the continued progress of American Indian communities through education. D-Q University is sanctioned by Soboba, Chemehuevi, Karok, and Coast Indian Community of the Resighini Rancheria federally recognized tribal governments; and is also sanctioned by the California Indian Education Association (largest "grass roots" educational organization in California), and Inter-tribal Council of California.

In relation to the other tribally controlled community colleges located throughout the nation, D-Q University is unique in some areas, and similar in other areas. For example, D-Q University has been funded for the past 2 years under the Tribally Controlled Community College Assistance Act, is governed by an all American Indian Board of Trustees, offers unique educational services and programs primarily to American Indian communities and students, and has been operating on very limited piece-meal funding from a few federal agencies. However, due to the demographics of the American Indian population in California, the institution is not located on a reservation, nor does it emphasize the delivery of educational services and programs to one tribal community. The Board of Trustees of D-Q University is comprised of American Indian representatives from Tribal governments, and urban and rural community organizations within California.

According to the U.S. Census, 1980 Population and Housing Advance Reports, April 1981, California has the largest population of American Indians (201,311) of any state. Additional data from the 1980 Census on American Indians will not be available until the late summer of 1981. However, prior reports from various agencies have revealed the following statistics about American Indians in California.

48 percent overall Indian unemployment rate; 50-60 percent of Indians on reservations and rancheries are unemployed;

80 percent of reservation housing is substandard;

American Indians in California have a 60-percent dropout rate between the grades K-12, with some reservations as high as 90 percent;

50 percent of the Indian students over 14 years of age have no formal schooling;

California postsecondary Western-European-based universities, colleges, and junior colleges have Indian dropout rates as high as 82 percent.

Clearly, economic and educational attainment indicators at all levels attest that American Indians within California are at the lowest indexes of measurement. Urban, rural, reservation and rancherias, termination, non-recognition, landless communities, and Public Law 280 are all issues found in California. American Indians are located throughout California, on 78 federally recognized reservations, with the smallest rancheria at one acre, and the largest totaling 12 square miles and 1,600 Indians. Approximately 5-10 percent of the California Indian population resides on reservations and rancherias, with 70 percent located in urban areas, and 20-23 percent located in rural areas located near reservations and urban areas.

Clearly, given the economic and educational attainment indicators of American Indians within California, programs require expansion and enrichment, not defunding or no-growth policies. Additionally, more enlightened professionals (both Indian and non-Indian) have slowly become aware of the inadequacy of programs designed for, but without Native Community direction or control. These types of programs have demonstrated their ineffectiveness through the results they have produced to date, as evidenced by the many socio-economic-educational problems of American Indians of today. The statistics reveal that although California is considered to be a progressive state, especially in relation to Native American affairs, there are many years of cooperation, coordination, and commitment required between federal, state, and private agencies in order to facilitate any concrete efforts toward Indian self-determination.

D-Q University is a powerful statement of Indian self-determination in the development of educational services and programs. D-Q University provides postsecondary educational opportunities for Native peoples within cultural contests that affirms the value and explores the depth and breadth of Indigenous cultures. The institution seeks the preservation and dissemination of the cultural heritages of Native peoples. The institution aspires to create through study, research, and practice, an innovative blending of technological and professional competence within Native cultures to meet the pressing contemporary needs of Indigenous peoples. The University aspires to develop individuals and scholars who can combine their cul-

tural heritage with the professional and technological knowledge necessary to meet the social, psychological, academic and economic needs of Indigenous peoples as a community and as individuals, whether they reside on reservations, rancherias, rural areas, terminated areas, or in urban communities.

Despite 10 years of struggling for operation and development, numerous federal investigations, hostile and uncooperative officials from a few federal agencies, and predictions of doom for D-Q University, the institution continues to operate, develop, and provide unique postsecondary educational opportunities to low-income American Indians. D-Q University is currently scheduled to receive its third year of funding under the Tribally Controlled Community College Assistance Act. The institution has successfully passed the audit and verification process of its Indian certifiable full time equivalent enrollments for fiscal years 1979-80, 1980-81, conducted by the Bureau of Indian Affairs and General Accounting Office staff.

The Tribally Controlled Community College Assistance Act funding has assisted D-Q University in maintaining accreditation status with the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, by providing increased operational funds. The Accrediting Commission has always been concerned with the institutions success in generating and securing "adequate" operational funds.

Specifically, D-Q University has utilized funds from the Tribally Controlled Community College Assistance Act to expand the library staff, operations, materials, increased the full time equivalent faculty positions, and increased administrative staff, all of which have assisted the institution in strengthening the delivery of educational services and programs to American Indian communities and students.

In order to continue the consistent development of Tribally Controlled Community Colleges, D-Q University requests that the Subcommittee on Postsecondary Education consider the following:

1. Reauthorize Public Law 95-471, and appropriate funding to enable the full funding per full time equivalent student.

2. Amend the legislation to allow the counting of summer session students for the funding formula.

3. Amend the legislation to allow forward funding or advance funding to the colleges, designed to eliminate the 5-month delay in colleges receiving their funding for a particular year.

Despite the controversies and undue concerns of a few federal agencies surrounding D-Q University, and despite the underfunding under Public Law 95-471, and 5-month delays in receiving funds, the institution will continue to provide direly needed educational services to American Indian communities and students. The Accrediting Commission recognized the institutions strength and will to continue development when the stated in their "Report of Progress Review Team, Accrediting Commission For Community and Junior Colleges, D-Q University, May 20, 21, 1981"

"D-Q University is a very special institution. It serves a special people. Its history and its programs are unique. It has persisted for a decade in spite of incredible adversity. Its will to live springs from deep in the hearts of a proud people and its life is strong."

Mr. SIMON. Thank you very, very much. You used less than the time suggested.

Mr. Elgin Bad Wound, the president of the Oglala Sioux Community College.

STATEMENT OF ELGIN BAD WOUND, PRESIDENT, OGLALA SIOUX COMMUNITY COLLEGE

Mr. BAD WOUND. Mr. Chairman, and members of the House subcommittee, my name is Elgin Bad Wound, and I am the president of the Oglala Sioux Community College, which is located on the Pine Ridge Reservation in South Dakota.

Before I begin, I would like to introduce the leadership of two other institutions located in South Dakota which, although they will not have the opportunity to present testimony, nevertheless share our concerns and our success stories. Those are the Sissiton Wappoton Community College, whose president is Mr. Skyhouser

and the Cheyenne River Sioux Community College, which is represented by Francine Garoux and Carol Martinez.

Before I mention the accomplishments and the concerns, I would like to state right up front that our college fully supports the continuance of Public Law 95-471, and we express our sincere appreciation to Congress and those people who were involved in the enactment of such a significant piece of legislation.

Our college is currently a candidate for accreditation with the North Central Association of Colleges and Schools, and it anticipates receiving accreditation by 1983. We recently went through an exercise, and we have developed a specific plan that will hopefully get us full accreditation in 1983.

Perhaps most importantly, our college is serving a number of Indian and non-Indian students, both from within our reservation as well as adjacent areas, including the State of Nebraska. Our college enrollment has increased by approximately 66 percent since 1978. Our number of graduates has likewise increased by approximately 50 percent.

At this point I would like to point out some of the milestones that we have achieved.

No. 1, we have nine local district boards, which we feel provide the best grassroots information for identifying community needs on the reservation.

We have a decentralized system through which we provide services to the members of our reservation, thereby allowing for local input and addressing the needs of grassroots community people.

No. 2, we have an adult education program that in the past year awarded more high school equivalent diplomas than all reservation high schools combined.

Our nursing program graduates fill one-third of the staff positions at the Indian Health Service Hospital on the reservation. Sixty-eight percent of our graduates are working for Indian health care agencies in the area.

Our Lakota Studies Department enforces our Lakota culture, as this is one of the cores of our program, and it is the guiding light of our philosophy.

We have 30 students who are currently moving through a teacher training program and will be teaching on the reservation by the years 1983 and 1984.

We have developed and will conduct a Lakota studies program for an off-reservation school system, which has approximately 55 percent Indian students—a public school that is located off our reservation.

We have offered more than 100 community requested workshops, ranging from traditional Lakota arts through self-help agriculture to parent training.

Our library is the only community library for the entire reservation.

Our college newspaper is the essential news forum for the entire reservation.

Our staff provides technical assistance to many tribal agencies and organizations.

Our students comprise a significant portion of the elected and appointed leadership of the nine major communities on the reservation.

I would like to now address some of the concerns that we have regarding Public Law 95-471.

First of all, the college is concerned that consistent late funding by the Bureau impedes efficient operation of the college. We recommend that such funding be timely, dependable, and distributed under a consistent formula.

Second, we object to the imposition of an "urban based model" by the Bureau of Indian Affairs in the administration of Public Law 95-471. We request that the Bureau administer the act in such a way as to address the unique educational needs of the Pine Ridge Reservation environment.

Third, we request that current regulations implementing the act be modified, so as to encourage the development of community training programs through the use of Public Law 95-471 funds. In addition, the foregoing regulations should encourage the scheduling of summer sessions by providing funding for such classes.

Mr. SIMON. I am sorry to interrupt, but I may not be here when we get to the question and answer period. What do you mean by your first point, "We object to the imposition of an urban based model by the Bureau of Indian Affairs." I think I may have an idea of what you are talking about, but can you clarify that?

Mr. BAD WOUND. We feel that the regulations basically allow funding for credit classes and traditional academic type classes. The mission of our college is such that we provide or assist in the development of the tribe as our No. 1 priority in that we provide a lot of workshop and technical assistance kinds of services that are not necessarily academic types of services. This constitutes a significant portion of our college program.

So, when we offer those kinds of services, we somehow have to translate or attempt to translate those, so that we may count the students for a head count in the formula. As you know, the FTE formula provides for full-time students based on 12 credit hours. Is that sufficient?

Mr. SIMON. Thank you.

Mr. BAD WOUND. Fourth, the college objects to the lack of financial support from the Bureau in connection with non-Indians who are currently enrolled at the college. For example, non-Indian students who comprise 10 percent of the student body are not factored in by the Bureau as full-time equivalent students for purposes of determining the overall funding of the college. This creates a significant financial shortfall.

We request that the Bureau address this problem of classifying such students as full-time equivalent students for purposes of determining funding under the formula. A related financial problem is the inability of the college to use carryover funds from one fiscal year to the next. We request that the use of carryover funds be sanctioned in the regulations.

Fifth, we request that current regulations implementing 471 be amended to allow for the use of Federal funds distributed pursuant to the act to be used to meet the future construction and capital improvement needs of the college.

Finally, we request that the Bureau be directed to allow the college free access to other sources of funding, such as Snyder Act funds received through contracts with the Oglala Sioux Tribe pursuant to Public Law 93-638.

The Bureau, which has attempted to hinder the use of such funds in the past, has done so in violation of section 108 of Public Law 95-471.

We are concerned that the removal of the funds, which was done by the Bureau last year and subsequently restored in part, deprives Indian tribes of their right to support their colleges by negating the process through which tribal funds were previously designed for college use.

Mr. Chairman, we would like to request that you support the effort of the college to establish programs through which vocational and technical assistance can be rendered to small businesses on the reservation. We would also like to provide such assistance to other reservation schools and tribal governments.

Finally, we would like to note that in speaking to the problems that we have had with the regulations that have been imposed on the implementation of Public Law 95-471 funds, we did submit a formal objection to the Department of the Interior regarding these. We feel that the regulations are overly restrictive. In some cases they are inconsistent with one another, and violate the intent and spirit of the law.

We would like to thank you for the time, and thank you in advance for any assistance you might render us.

[The prepared statement of Elgin Bad Wound follows:]

PREPARED STATEMENT ELGIN BAD WOUND, PRESIDENT, OGLALA SIOUX COMMUNITY COLLEGE

Mr. Chairman and members of the House Subcommittee on Post Secondary Education, my name is Elgin Bad Wound, and I am President of the Oglala Sioux Community College, which is located on the Pine Ridge Reservation in South Dakota. I would like to thank you for the opportunity to speak to you this morning on behalf of my college. I request that my testimony and all attachments thereto be included in the hearing record.

Mr. Chairman, the Oglala Sioux Community College has operated a highly successful community college program on the Pine Ridge Reservation for the past decade. Funding, over the past several years, has been received in part from the higher education operation and support funds available under Public Law 93-638, the Indian Self-Determination and Education Assistance Act. Under this process, the Oglala Sioux Tribe designates a portion of its Tribal allocation to its own community college. In this manner, the Tribe has been able to give higher education a high priority and to see that the college receives funding worthy of its importance.

With the enactment of the Tribally controlled Community College Assistance Act of 1978 (Public Law 95-471), the Community College has been able to significantly improve the quality of its programs. The Community College, for example, has become a candidate for accreditation with the North Central Association of Colleges and Schools and anticipates receiving accreditation two years ahead of schedule in 1983. An excellent facility and support staff have been recruited and an organizational structure has been developed which synthesized traditional Lakota participatory government and modern higher education administration.

Most importantly, the College is serving an increasing number of Indian and non-Indian students both from within our Reservation, as well as adjacent areas including Nebraska. College enrollment has increased by approximately 66 percent since 1978 and the number of graduates has likewise increased by approximately 50 percent. The following are a number of significant milestones which the Community College has achieved in the past few years:

Our nine local district boards provide the best grass roots information for identifying community needs on the Reservation.

Our adult education program awarded more high school diplomas this year than all reservation high schools combined.

Our nursing program graduates fill one third of the staff positions at the Indian Health Service hospital; 68 percent of our graduates are working for Indian health care agencies.

Our Lakota Studies department reinforces Lakota culture.

Thirty students are moving through our teacher training program and will be teaching on the Reservation by 1983–84.

We have developed and will conduct a Lakota Studies program for an off-Reservation school system which has 55 percent Indian students.

We have offered more than 100 community requested workshops ranging from Traditional Lakota arts through self-help agriculture to parent training.

Our library is the only community library for the entire Reservation.

Our college newspaper is a central news forum for the entire Reservation.

Our staff provides technical assistance to many Tribal agencies and organizations.

Our students comprise a significant proportion of the elected and appointed leadership of the nine major communities on the Reservation.

Notwithstanding these significant accomplishments, however, the College has encountered several problems which need to be addressed and solved. First, the College is concerned that consistently late funding by the Bureau of Indian Affairs pursuant to Public Law 95–471 will impede the efficient operation of the College. We recommend that such funding be timely, dependable and distributed under a consistent formula.

Secondly, we object to the imposition of an "urban based model" by the Bureau of Indian Affairs in the administration of Public Law 95–471. We request that the Bureau administer the Act in such a way as to address the unique educational needs of the Pine Ridge Reservation environment. Third, we request that current regulations implementing the Act be modified so as to encourage the development of community training programs through the use of Public Law 95–471 funds. In addition, the foregoing regulations should encourage the scheduling of summer sessions by providing funding for such classes.

Fourth, the College objects to the lack of financial support from the Bureau in connection with non-Indians who are currently enrolled at the Community College. For example, non-Indian students, who comprise 10 percent of the student body, are not factored in by the Bureau as "full-time equivalent" students for purposes of determining the overall funding of the College. This creates a significant financial short-fall. We request that the Bureau address this problem by classifying such students as "full-time equivalent" students for purposes of determining funding under the formula. A related financial problem is the inability of the College to use "carry over" funds from one fiscal year to the next. We request that use of "carry over" funds be sanctioned in the regulations.

Fifth, we request that current regulations implementing Public Law 95–471 be amended to allow for the use of federal funds distributed pursuant to the Act to be used to meet the future construction and capital improvement needs of the College.

Finally, we request that the Bureau be directed to allow the College free access to other sources of funding, such as Snyder Act funds received through contracts with the Oglala Sioux Tribe pursuant to Public Law 93–638.

The Bureau, which has attempted to hinder use of such funds in the past, has done so in violation of Section 108 of Public Law 95–471, which provides:

"Except as specifically provided in this title, eligibility assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or post secondary educational institutions."

We are concerned that the removal of the funds, which was done by the Bureau last year and subsequently restored in part, deprives Indian tribes of their right to support their colleges by negating the process through which tribal funds were previously designated for college use. Mr. Chairman, we also request that you support the effort of the College to establish programs through which vocational and technical assistance can be rendered to small businesses on the Reservation. We would also like to provide such assistance to other reservation schools and tribal governments.

We are thankful for any assistance you might render us, and we appreciate the opportunity to testify here today.

Mr. KILDEE. Thank you very much, Mr. Bad Wound.

Our next witness is Mr. Lionel Bordeaux, President of Sinte Gleska Community College.

STATEMENT OF LIONEL BORDEAUX, PRESIDENT, SINTE GLESKA COMMUNITY COLLEGE

Mr. BORDEAUX. My name is Lionel Bordeaux. I am President of the Sinte Gleska Community College, also a tribal council member of the Rosebud Sioux Tribe. I would very basically and very hurriedly break my presentation down to a quick overview of our college and also our reservation.

At this time, I would also like to acknowledge another institution that I don't believe has been mentioned here, and this is the Nebraska Indian Community College, and we do have Wallace Coffee and his guest out here in the audience.

I would like to also take this time to certainly express my appreciation and from where I come from to you, Mr. Kildee, for your efforts this past week in the reconciliation act. There was something there that we needed, and we hope that we go on with it now.

Sinte Gleska Community College, like Oglala, operates on a dispersed model. We initially began in 1971. In 1976 we received candidacy status, and in 1978 and 1980 we had our annual visits, and now we are knocking on the door for full accreditation in the academic year 1982–83.

We are basically an AA program. South Dakota has no junior college-type programs in the State; consequently, we offer AA programs. However, in 2½ years we offered a piecemeal type of a baccalaureate program. Last year we had our first graduate. This coming year we will have five graduates. Our first graduate is enrolled in law school at the University of South Dakota this year, so, we are hoping that this will add to our track record.

Our board, likewise, is made up of nine members: Five elected from the community, one from the tribal council, and one from the staff. We have a unique situation. We have two students on our board of directors with full authority.

Our staff is comprised of roughly 100, about 35 professional people with about 15 Ph. D.'s on our staff. We have been very fortunate that we do have outsiders, people not from South Dakota, who are on staff. However, we have also been fortunate enough to pick up an instructor such as Dr. Godfrey Loudner, who has a home there. He has a Ph. D. in math from Notre Dame, and we were able to bring him back to our institution. Additionally, he serves as a model for our students.

We operate on a budget of roughly $1.6 million this year. Out of that, 30 percent comes from 471 funds. You can see that we do have to be very competitive in dealing with the other Federal agencies in trying to make up the balance of our budget.

Our salaries are very modest, ranging from $10,000 to $23,000, with roughly an average salary of about $14,000. You can see the commitment is very great in working for our type of institution.

We have roughly 380 students, and roughly a quarter of the students are made up of non-Indians. We have some very racial and hostile situations in the State of South Dakota between the non-

Indian and the Indian. We feel, in a small way, that we can open our doors to the non-Indians to do our part in the area of public relations.

Unfortunately, there the non-Indian only contributes roughly $15,000 toward our budget through tuition and fees, and $15,000 will just about buy one instructor. However, our non-Indians avail themselves of roughly 275 courses that we offer. This, of course, is in no way addressed in the bill, but it is something that I feel down the line needs to be addressed more carefully.

Our graduates, like Mr. Bad Wound, are employed throughout the reservation. The enrollment in the school of a postsecondary nature contributes $15,000 toward our budget through tuition and fees, and $15,000 will just about buy one instructor. However, our non-Indians avail themselves of roughly 275 courses that we offer.

We, ourselves, have offered courses to approximately 2,700 students on the Rosebud Reservation. We are also into the GED. The Bureau of Indian Affairs, to give an example, operated the GED program from 1965 to 1971, and they produced 100 GED graduates. We have each year since then in excess of 100 GED's.

I would like to give you a quick overview of the Rosebud Sioux Reservation so that you will have a feel for the climate and the atmosphere within which we need to operate. The Rosebud Sioux Tribe is roughly 12,000 to 14,000 people sitting on a little over 5,000 square miles, which is approximately 1 million acres. We only have $700,000 annual income.

We have roughly 3,500 students enrolled in elementary and secondary education on the reservation, so you can see there is a need for the postsecondary effort. Sixty-five percent of our population is made up of students who are under 18 years of age. Our reservation has an annual income of roughly $1,500, and 75 percent of our people are below the poverty level.

The average grade completed on our reservation is the 9th grade. The average grade completion in the 20 communities that are on the reservation range from 5.4 in one community to 10.3 in another community. You can see once again that the mission is very intensified at Sinte Gleska Community College.

The future, at times, is very bleak on the Rosebud Reservation. Unfortunately, we ran into some mismanagement in the past. The audits are showing that we are roughly $7 million in the hole to the Federal Government. When you are looking at something like a $700,000 annual income, and the Federal Government will not renew its services to the Rosebud for the forthcoming year until we can repay these unallowable costs, or if we can submit some type of acceptable plan, despair and hopelessness at times come in.

This attests to the fact that in the last 4 weeks we have had four suicides, unfortunately. We had three hangings, and the day before we had another guy who shot himself. So, we do work, and not everything is all roses on the Rosebud and within these schools.

We do have to adjust ourselves to the atmosphere and the environment that surrounds us because within this context that we operate, at times, it gets very tough to handle.

We would like to be able to expand our opportunities, but unfortunately 471, despite the many benefits that it has brought us, has allowed us to pretty much just hold even. I think that somewhere

down the line, I know it is tough, but somewhere we are going to have to have an increase. I think the purposes of 471 in the next few years will be addressing something which will be different from the original intent.

I think that there is a new dawn on the horizon for Indian country. I think that we are going to eventually get things together, and we are going to make ourselves heard. Certainly, schools such as ourselves want to have a very positive role in this new movement.

We feel that many times our institutions are about the only thing that our people can look up to for hope and leadership on the Rosebud Reservation and even the eventual salvation of the whole tribe.

So it is to you that we appeal for assistance once again. I know that I have been coming here for 9 years, and it doesn't get any easier. It seems the more I come here, the night before I get less sleep, I get so keyed up and nervous about whether I am going to present myself well, and what I have said will be acted on. So far we have not been misread by your committee, and we appreciate it.

I guess when I take a look at my colleagues around myself, all of us are in varying stages of development; however, our situation is like that which was described by someone from New York: Everyone of us, despite the fact of being in various stages of development, the various natures of our existence, we are specific flowers, each with a design, and a different program, yet you place us all together and we make a beautiful bouquet. I guess to this day we like to take this bouquet and extend it by placing it around you, to ask you to become part of us.

Thank you.

[Material submitted by Lionel Bordeaux follows:]

PREPARED STATEMENT SUBMITTED BY LIONEL BORDEAUX, PRESIDENT, SINTE GLESKA COLLEGE ROSEBUD, S. DAK.

I. INTRODUCTION

Sinte Gleska College is a Tribally-chartered, Indian-controlled Community College of the Rosebud Sioux Tribe located in south central South Dakota. The College was chartered by the Rosebud Sioux Tribe in 1971 in order to provide a geographically assessible and viable higher education program for residents of the Rosebud Sioux Reservation and its surrounding communities.

As a community college located 250 miles from the nearest public or private institution of higher education Sinte Gleska provides education opportunities formerly unavailable to residents. Recognizing that among those few American Indians who have left their home communities to go to public and private colleges and universities that fewer have graduated and fewer yet have returned to live and work within their reservation, Sinte Gleska College's primary mission is to facilitate the development of the Rosebud Sioux Tribe through the educational development of its reservation and rural residents and citizens.

Since achieving candidacy status at the Associate of Arts Degree granting level by North Central Association of Colleges and Schools in 1976, Sinte Gleska has made significant strides in expanding the offering of educational opportunities for its students and in its development toward the goal of accreditation recognized by each of its two biennial evaluations of North Central in 1978 and 1980. Sinte Gleska is scheduled to apply and be evaluated for formal accreditation in the academic year 1982-83.

Significant to Sinte Gleska's desire to be able to continue to offer quality educational opportunities to local residents within and around the Rosebud Sioux Reservation and very significant to the College's desire to achieve accreditation is the continuing availability and stability of financial resources.

This concern has been mentioned by site evaluation teams of North Central at each visit including their last visit in December of 1980. Cognizant that the purpose of Public Law 95–471, the Tribally Controlled Community College Assistance Act of 1978, as stated in Sec. 101 is "to insure continued and expanded educational opportunities for Indian students" through "grants for the operation and improvement of Tribally-Chartered Community Colleges," Public Law 95–471 is the most significant legislation and potential source of continuing and stable financial resources for the operation of Sinte Gleska and consequently also for the College's ultimate ability to become accredited.

With the evaluation of Sinte Gleska for accreditation scheduled within two academic years, and the continuing desire of the Rosebud Sioux people to maintain and expand the educational opportunities made available through Sinte Gleska College, Sinte Gleska today is at the most significant and uncertain stage of its development.

Though Sinte Gleska supports the expansion of educational opportunites for American Indian students generally, Sinte Gleska and other Tribally controlled community colleges believe, as has been our experience, that reservation-based community colleges not only can do a more effective job in providing educational opportunities but we can also provide educational opportunities which have a direct impact in facilitating the goal of Tribal self-determination and nondependent development, while also providing an exemplary model of development.

II. BACKGROUND, GOALS, OBJECTIVES, AND ACCOMPLISHMENTS OF SINTE GLESKA COLLEGE

Historically the College originated from the aspirations of Sinte Gleska (Chief Spotted Tail) who sought education for his people in order for them to survive and compete effectively in the non-Indian world. As early as 1953 and throughout the 1950's and 1960's, Rosebud people sought a new college. Even through priorities of jobs and housing often took precedence, the people, through New Careers, Headstart and Follow Through programs, received some on-reservation education. However, problems such as applicability, continuity, and transferability frequently limited the benefits of such programs. Only in 1970 did the College become reality. A Board of Directors and an embryonic staff was formed and the early planning and development was accomplished so that in February of 1971 the College opened its doors to 165 students. All initial funding was from local sources, particularly from the Tribe and its OEO component. In the early part of 1971 the College received two small foundation grants from the Elliott Foundation, Strawbridge family and Lutheran church in Iowa. Since then each summer, fall and spring, Sinte Gleska has offered college courses and its other programs throughout the 5,337 square mile Rosebud reservation.

Rosebud reservation

Communities of the Rosebud Sioux Tribe reside in the Rosebud Reservation which encompasses four counties in south central South Dakota. That covers 5,337 square miles. The 7,200 to 8,000 Indian residents live in 20 communities dispersed throughout this area. The Tribe consists primarily of the Sicangu band of the Teton Sioux of which there are over 12,000 enrolled members. Each community corresponds usually to original "Tiyospaye." The "Tiyospaye" is the band-extended family grouping had chosen and gathered around a consensus leader and after which the community is often named (e.g. Two Strike, He Dog, Swift Bear, Medicine Bull, Milks Camp). Statistics of relevance to indicate the need for Sinte Gleska College, in its mission, to develop the Rosebud Sioux Tribe are: Annual income per family, $3,700; 60 percent below poverty level; average years of school per adult, 8.3; range per community, 5.4 to 10.3; dropout rate at high school level averaged over the last 3 years, 26 percent per year; average number of children per family, 5; population below 18, 65 percent; approximate in-school enrollment, 2,973. Percent totals by counties in reservation areas of persons without high school diplomas: Todd, 60 percent; Mellette, 47 percent; and Tripp, 43 percent.

Welfare recipients for 1975: 3,364 in a population of 5,225 in Todd County. As of March, 1977, the unemployment rate was 68 percent (4,059 unemployed of 5,970 in work force).

Philosophy and goals

The seven local people who made up the original Board of Directors were concerned that Sinte Gleska College be an institution responsive to specific needs:

1. The high dropout rate of Indian students from college. During the 1950's and early 1960's, the rate of their return was 90 percent in 6 months. Currently the attrition rate as reported by the G.A.O. in 1978 is 94 percent of all students enrolled. The College seeks to provide a bridge to off-reservation institutions to insure suc-

cessful transition and completion for those who desire to continue their students toward a B.A. level degree not offered by Sinte Gleska.

2. The low eductional level of the reservation population pointed to the need for continuing adult and college education. The College Board wanted to raise this level so that people could compete for jobs held by non-local people and through obtaining a G.E.D. to qualify to enroll in Sinte Gleska post-secondary programs. The Adult Education Program has averaged approximately 100 G.E.D. graduates a year.

3. The Board also wanted to fill middle and upper management jobs in local institution, for example, at the time of the College's inception only three educational administrators in the entire reservation area and only four teachers were Indian. This is in a school system that serves nearly 4,000 Indian children. Currently, the College is offering a degree in Elementary Education which provides 6 to 10 certified teachers per year.

4. The reservation population is dispersed throughout the reservation. Full-blood Indians live in the more isolated areas and historically have had the least access to adult and higher education services. The College wished to reverse this trend so that isolated rural reservation population-would have access to educational and technical assistance services. The College therefore created a model that disperses its courses and services throughout the reservation areas.

5. The College dedicated itself to become an institution which could provide high quality teaching and learning. Curricula and methods have been developed to insure cultural integrity.

6. The Board and Tribe wanted the College to reinforce and further self-determination. A primary goal for Sinte Gleska is to assist the Tribe and communities to assume control over their livelihood and destiny. Sinte Gleska is also to serve as a model for the effectiveness of Indian control of reservation circumstances and accountability to the people of the reservation.

Curricula and accomplishments

Sinte Gleska College has proven its worth on both the statistical level and the innovative-quality level. The following are examples of the accomplishments:

1. By 1981 the College had reached over 2,700 of the adults on the reservation with college courses and another 1,600 with Adult Education courses. The total now exceeds 3,600 which is nearly the entire adult population of the reservation. This compares to approximately 180 adult Indians attending off-reservation schools per year. Of these 180, a sizeable percent are transfers from Sinte Gleska College. Sinte Gleska therefore reaches a population that would never have had the opportunity for a college education.

2. The College has furthered Tribal self-determination by, contracting to operate several BIA programs. As an example of the difference between results under the College and under the Bureau, we will use adult education as an example. The Bureau conrolled program from 1965 to 1971 produced 100 graduates. Sinte Gleska College produces as many in one year, each year, since its beginning. The Bureau used mostly non-Indian professionals to tutor. Sinte Gleska's staff is all Indian and the majority of its tutors are Indian. The Sinte Gleska program has brought State and Federal funds together. Sinte Gleska's program has received a Right-To-Read grant for adult literacy training. The example is used to show that when Sinte Gleska has assumed responsibility for a program the staff complexion becomes local, the accessibility of local people increases, and the number of successes drastically increases.

4. Sinte Gleska's dropout rate compares quite well with off-reservation colleges. The current rate fluctuates between thirteen and twenty-eight per cent. This compares very favorably to fifty per cent and higher in off-reservation schools with a 94 percent attrition rate from 4-year degree programs for American Indian students. The majority of our dropouts are no-shows: they sign up and do not come to the first class. Those that come often complete the semester.

5. Graduates of Sinte Gleska College A.A. degree programs have already received B.A. degrees. Three are completing the M.A. One student has completed all work except the dissertation toward a Ph.D. These are older students and would never have had the chance if Sinte Gleska was not in operation. Our first B.S. graduate last year has been accepted to law school.

6. Materials that have been non-existent previously, have been and are being developed by the college: e.g. *Book of Oral Narratives*, Lakota language texts, book on Lakota Music and Dance, Lakota ceremonials video-taped, tapes of discussions and books and pamphlets, and classes in critical reservation issues. The demand of schools and organizations for these is more than what we can fill at present.

7. Tribal and community groups have been assisted in committee proceedings, planning, in-service training, preparation of position papers and proposals, and evaluation of programs.

8. Lakota rituals have been strengthened, revived, and contemporized. For example, Sinte Gleska has had the first Lakota ceremony for graduation and inauguration. They were created by Lakota Medicine Men and helpers to form the first full-blood, traditional organization in decades. This group has already sponsored a Sun Dance based on the traditional ways.

9. Sinte Gleska has begun to meet community needs never previously dealt with: e.g. the needs of adult handicapped for a sheltered workshop, the needs of young developmental disabled for training and education. Parents of the mentally retarded have been organized with the support of the College.

10. The College Department of Human Services has developed an Indian Law course for the local high schools. College faculty have continued to provide this type of assistance to local schools: e.g. Lakota language and cultural courses, orientation of teachers and medical personnel, evaluation of an early childhood model for educating Indian children in Rosebud. The College has an important responsibility to provide Indian Studies to teachers in school systems who must, by law, take three credit hours of Indian Studies.

11. The College has created a Psychological Institute that not only provides ongoing therapy and counseling and has through a grant from the National Institute of Mental Health conducted a major research project having major potential impact on planning and development of the Rosebud Sioux Tribe.

12. The College's Nursing program has graduated nineteen nurses. Eighteen of nineteen passed their state boards as Registered Nurses on their first attempt and are working. This is the best record of any program in the state though it has not been refunded by the Indian Health Service.

Philosophy and goals

The College provides a model for Indian-controlled education. It is also an institution governed by people rooted to the reservation, concerned about its future, and willing to work to see a new institution grow. Sinte Gleska College meets the needs for on-reservation higher education. The founding persons desired to see each Lakota person given the opportunity to pursue an education within an environment which was conducive to their learning. Students at Sinte Gleska College will receive education or training relevant to their career needs. Willing to change when new needs are shown and old ones satisfied, the College will add, drop, and adopt programs or degrees as necessary. The overall goal is to provide a quality education in each area: strong associate and bachelor degrees, remedial and basic adult education, community education, and technical assistance.

Some Sinte Gleska students will not want to transfer. The College will attempt to place all graduates in jobs or to help them transfer off the reservation.

The College wishes to model an institution governed by local Indian people. We see ourselves as showing that Indians can create and operate a quality institution. Sinte Gleska College will chart the directions for the 20th and 21st Century on the Rosebud. Lakota questions about the future present themselves to us: how education, capital and personal wealth, prestige, political and economic power are to change religious and cultural values and cultural and community life. The College hopes to enable Indian people to determine these changes. The staff and students and Board work together so that the people may grow. In order to grow to self-sufficiency, people need an institution which can provide opportunity for them to become independent. The College sees the College helping produce the reservation's future leaders: businessmen, doctors, lawyers, teachers, and ranchers for the reservation. However, other institutions have universally created professional elites—the few become educated and financially grow, while the majority are neglected. Sinte Gleska College, through its dispersed model, wishes to serve as many Lakota people on the reservation as possible. The College is dedicated to each Lakota receiving new opportunity, to each being able to see himself or herself being able to take this opportunity, and to coming to terms continually with the needs of the common person and the community.

III. CONCERNS AND RECOMMENDATIONS RELATED TO THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978—PUBLIC LAW 95-471

Sinte Gleska is vitally interested in the continuation and stability of the Tribally-Controlled and Community College Assistance Act (Public Law 95-471) of 1978. We would like to take this opportunity to offer our insights and concerns about the im-

plementation of Public Law 95-471 and to make recommendations for improving the program.

A major concern of Sinte Gleska College is that funding by Public Law 95-471 has to a large extent not resulted in badly needed additional revenue but has progressively served to replace other sources of revenue lost to the College.

In the second year of funding by Public Law 95-471, Sinte Gleska College lost $200,000 of revenue generated through Public Law 93-638, the Indian Self-Determination and Educational Assistance Act used as intended by the Rosebud Sioux Tribe to support the operation of the College and approximately an additional $90,000 a year in funding from the Indian Health Service, to provide for the operation of the College degree program in Nursing, despite the proven success of the program in enabling over 90 percent of our Nursing graduates to be certified as Registered Nurses.

With the very real possibility of significant cuts in other federal programs which Sinte Gleska has traditionally relied upon for the resources to create development and for the operation of many college programs, the purpose of Public Law 95-471 as stated in Sec. 101 to provide continued and expanded educational opportunities, has become and may continue to become less and less a possibility.

During fiscal year 1980-81 funds provided for the operation of Sinte Gleska College through Public Law 95-471 represented 27 percent ($552,000) of a total operating budget of $2,028,000. The total revenue anticipated for the operation of the College for fiscal year 1981-82 which includes an additional $100,000 to be generated by more than doubling College tuition rates is $1,439,500. This represents a reduction of approximately $700,000 from external sources of revenue formerly available to the College last year. Anticipating a similar amount of revenue from Public Law 95-471 as last year, College revenue from this source will represent 38 percent of the College's anticipated operating budget for fiscal year 1981-82. With Public Law 95-471 providing a significantly larger share of the College's operating budget, the College, in order to meet its projected budget for 1981-82 has reduced eighteen (18) positions, has foregone any consideration for a cost of living raise for its employees, more than doubled its tuition and dropped and/or sufficiently cut back many activities essential to providing educational opportunities to our students. With a tuition increase generating an additional $100,000 of revenue, funding of Sinte Gleska through Public Law 95-471 will be $100,000 to $150,000 short of offsetting losses or reductions in other sources of revenue formerly available to the College for fiscal year 1980-81.

Given the unique political/legal status of Federally recognized American Indian Tribes and the Federal Government's Trustee relationship to such tribes we wish to emphasize the extensive dependence Sinte Gleska College has on many different and varied sources of revenue from the Federal Government of which Public Law 95-471 is just one source. All sources are essential for both the operation and development of the College.

We believe that the purpose of Public Law 95-471 as stated in Sec. 101 of Title I "To provide grants for the operation and improvement of Tribally-Controlled Community Colleges to insure continued and expanded educational opportunities for Indian students" has minimally insured continued operation of Sinte Gleska and as yet has not resulted in expanded educational opportunities for Indian students or an assurance that we will be able to do so in the future.

Though we recognize that the authority of Public Law 95-471 cannot control the receipt of funding from other applicable and relevant sources of Federal funding necessary for the operation of Sinte Gleska College, its developed and varied programmatic offerings, Sec. 108 of Public Law 95-471 provides for assurance that the receipt of funding (from Public Law 95-471) shall not preclude the eligibility of any Tribally-Controlled College to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges or post-secondary educational institutions.

We recommend that the Bureau of Indian Affairs develop rules and regulations as well as procedures to assure compliance of Sec. 108 and that the Bureau of Indian Affairs publicize and make information concerning Public Law 95-471 and particularly Sec. 108, available to the other agencies of the Federal government which are providing funds for Tribal colleges.

Concerns and recommendations related to Section 102(b)

Though the appropriation level for Public Law 95-471 has remained considerably less than that authorized the impact of significant reduction in and losses of other Federal sources of revenue has made the appropriation level of Public Law 95-471

an ever more serious significant issue for Tribal colleges. Adding to the impact of what we believe to be a low appropriation level has been significant problems in the implementation of the program by the Bureau of Indian Affairs and the rules and regulations associated with the program. Many of these problems have been identified in the recent Report of the U.S. General Accounting Office—"Qualifying for Federal Funding of Tribally Chartered Community Colleges"—June 18, 1981.

Sec. 102(b) of Public Law 95-471 states "Grants made pursuant to this title shall go into the general operating funds of the institution to defray the expenses of activities related to educational programs of Indian students . . ."

Rules and regulations promulgated by the Office of Management and Budget for determining allowable cost and other practices for the accounting of expenditures are developed from circulars which are generally applicable for state, public or private colleges and universities who receive Federal funds not for operating budgets but for special projects or research efforts. These rules and regulations are inappropriate for Tribal community colleges and the intention of Sec. 102(b). Since Tribal colleges are the unique example of Federal financing of the general operation of a college in support of "activities related to education programs for Indian students" we strongly recommend that rules and regulations be distinctly developed cognizant of that purpose.

The definition of full-time equivalent Indian student according to the Act means "the number of Indians enrolled full-time, and the full-time equivalent of number of Indians enrolled part-time (determined on the basis of the quotient of the sum of credit hours of all part-time students divided by twelve)." We recommend that this definition of Indian F.T.E. be simplified and changed to: the total number of credit hours generated by Indians enrolled full-time and part-time. Such a change would be consistent with Sec. 102(b) in that it costs Sinte Gleska as much to offer 18 credit hours to three students each taking 6 credit hours as it does for one student taking 18 credit hours. Under the current definition an Indian student enrolled for 18 credit hours would be counted as one F.T.E. whereas three students taking a total of 18 credit hours would be counted as 1.5 F.T.E.

Further we recommend that the end of the sixth week of an academic term currently used as the date for the calculation of Indian F.T.E. be changed to the end of the third week. For Sinte Gleska the end of the third week is the official end of the drop/add period and represents as a consequence the final class schedule we are committed to offer after adjustments have been made. Calculation at the end of the third week would more accurately indicate the cost of instruction for an academic term.

Because of the considerable differences in the histories of Tribal constitutions defining membership and the unique history of the Rosebud Sioux Tribe's constitution many potential students of Sinte Gleska (many of whom are full-bloods), are technically ineligible to be counted for Public Law 95-471. These individuals in the case of Sinte Gleska were formerly denied enrollment in the Rosebud Sioux Tribe during the 1950's because they happened to be born off the reservation when the policy of the Federal Government which affect the constitutional change in question, was to separate individuals from residence and citizenship in the Rosebud Sioux Tribe. Though now again eligible for tribal enrollment many are not enrolled. The process for becoming enrolled is so backlogged both within and between tribal government and the local agency of the BIA that any easy and quick resolution to a student's eligibility for Public Law 95-471 will not be through initiating formal tribal enrollment.

We recommend that the definition of Indian be changed to "a person who is a member of an Indian tribe or is eligible to receive services from the Secretary of the Interior."

These recommendations related to Section 102(b) can be summarized:

1. That the rules and regulations affecting allowable cost as well as other requirements and procedures affecting the expenditures of funds from Public Law 95-471 be distinctly written cognizant of the purpose and intention of Sec. 102(b) of Public Law 95-471 which authorizes that grants made shall go into the general operating funds of the institution to defray the expense of activities related to educational programs of Indian students.

2. That the formula for calculating Indian Full-time Equivalent students be changed to the total number of credit hours generated by Indian students enrolled as Full-time or Part-time divided by twelve (12).

3. That the calcualtion of Indian Full-time Equivalent students occur at the end of the third week of an academic term.

4. That the definition of Indian be changed to mean a person who is a member of an Indian tribe or eligible to receive services from the Secretary of the Interior.

These recommendations for changes are requested in order to enable to implementation of Public Law 95-471 to more realistically recognize the cost of activities related to education programs for Indian students, offered by a college.

Concerns and Recommendations related to Section 107 and Section 110

Section 107 provides for a funding formula of $4,000 per Indian F.T.E. in determining grants to Tribal colleges. Sec. 110 provides for the possibility that appropriations may fail to meet authorization levels. In such cases, the amounts which colleges should receive under Public Law 95-471 will be rateably reduced.

Sinte Gleska College is well aware that appropriations often fail to meet authorization levels. Nevertheless, we wish to express that next to our desire to have appropriation levels match authorization levels that a serious need given any particular appropriation level, is that the per F.T.E. rate used to calculate grants remain stable for any particular year.

With a finite appropriation level increased student enrollments in any particular year at Sinte Gleska as well as other colleges results ultimately in less dollars per F.T.E. Though Sinte Gleska can predict fairly accurately its enrollments and has a close knowledge of its budget, Sinte Gleska College has no way to predict the enrollment increases or decreases of other colleges or their budgets. As a college we must contract faculty and instructors by August 1st for an entire year. The current system determines a per F.T.E. rate prior to the beginning of an academic year based on prior enrollments. This being the only figure we have available to plan a budget and develop faculty contracts with, significant increases in student enrollment in the second semester of an academic year and year to year with finite appropriation levels results in a reduction of our grant from Public Law 95-471 year to year and results minimally in no additional funds to meet instructional costs of increased enrollments during a year and has resulted in mid-year downward adjustments of expected grant awards.

This later case was caused by the Bureau of Indian Affairs when it included colleges determined as eligible for funding under Public Law 95-471 mid-year. This caused significant downward adjustments of grants expected midway through a contract year.

Given the purpose of Public Law 95-471 "to insure continued and expanded education opportunities for Indian students" paradoxically, the structure of funding and implementing the Tribally Controlled Community College Assistance Act of 1978 creates the opposite impact.

When Sinte Gleska was initially funded under Public Law 95-471 it enabled us for the first time to significantly expand and develop our faculty and instructional resources. This development has of course resulted in a progressive expansion of student enrollment. However, expansion in student enrollment not only at Sinte Gleska College, but at other colleges has had the effect of progressively decreasing the amount of funds available to the College from Public Law 95-471 per Indian student. Ultimately this feature will compel a reduction in faculty and instructional resources.

As the College becomes progressively more dependent on Public Law 95-471 by the reduction in other Federal sources of revenue the structure of funding through Public Law 95-471 becomes ever more serious.

Funding of the basis of a per F.T.E. rate is very important to operating a college. Colleges must have a funding and budgetary system sensitive to teaching and academic resources as student enrollments expand and conversely of course allowing for the reduction of teaching resources when decreases in student enrollment occur.

We wish to maintain this concept in funding and recommend that the following short range changes be implemented to minimize the current problems in implementing Public Law 95-471:

1. That upon being determined feasible and eligible for funding under Public Law 95-471, new colleges must wait 1 year before receiving funding.

2. That the Bureau of Indian Affairs develop a more efficient system of gathering enrollment data and predicting enrollment trends in Tribal colleges.

3. Given low appropriation levels for operation grants that T. and T.A. funds available to Tribal colleges be used to compensate for reductions in operational grants during a given fiscal year caused by increased student enrollments in successive academic terms of an academic year.

The BIA will determine the per F.T.E. rate given appropriation levels for an academic year and provide Tribal colleges a notice of grant award and rate per F.T.E. If reductions in the per F.T.E. rate are required for adjustments in the grant award in the second academic term caused by increased student enrollment Tribal colleges

will be able to supplement their operating budgets with T. and T.A. funds available to the colleges.

This should be determined by the difference in the F.T.E. rate times the number of students eligible and enrolled in the academic year not to exceed one-half of the total amount available to the colleges for Technical Assistance grants in a given fiscal year.

The long term solution to problems created by the structure of funding through Public Law 95-471 involves two strategies: (1) progressive increases of the appropriation level toward the authorization level while remaining sensitive to student enrollments year to year; and (2) developing a vehicle for stabilizing Indian F.T.E. rates which determines grant awards for any given academic year.

We recommend the authorization of a set aside appropriation equal to 20 percent of and in addition to total appropriations available for operation grants developed under the current formula, to be awarded to colleges for enrollment increases calculated on the per Indian F.T.E. rate established for a grant year during the grant year in which the enrollment increases occurred.

Further, colleges receiving set aside appropriations during a grant year to cover enrollment increases during that year should be able to carry forward any unexpended portion of these funds without it affecting the following year's set aside or operational grants. The amount set aside to a college in a grant year for grants to cover enrollment increases should be proportionate to the college's prior year's enrollment enabling no college to receive more than a 20 percent increase during the year. Colleges having no enrollment increases would be ineligible to receive any set aside grants.

If enrollment decreases occur affecting an increase in the per F.T.E. rate during an academic year it shall not affect the calculation of set aside grants and shall serve to increase only the operational grants calculated according to the funding formula.

Unexpended amounts of the set aside appropriation should be carried forward by the Bureau of Indian Affairs for the same purpose to be supplemented by requests for additional needed appropriations.

RESOLUTION No. 81-41

Whereas, The Rosebud Sioux Tribe is a federally-recognized tribe organized pursuant to the Indian Reorganization Act (IRA) of 1934, and all pertinent amendments thereof; and

Whereas, The Rosebud Sioux Tribe established and recognized Sinte Gleska College as a sub-chartered entity of the Tribe; and

Whereas, There exists a demonstrated need for higher education services to be delivered on Indian reservation as an alternative to Indian people being forced to leave the reservation to acquire higher education; and

Whereas, There is clear agreement among the Congress, the National Indian Organization, the Tribes, and Indian people that such services be subject to local control; and

Whereas, A major problem in the delivery of these and other services on Indian reservations has been caused by conflicting and arbitrary federal requirements entailing the creation by the Tribes of public agencies, non-profit corporations, governing or advisory board and other institutions foreign to our traditional forms of Government, such requirements have made it very difficult for Tribes to develop efficient and effective management and delivery mechanisms which fit into tribal concepts of government; and

Whereas, While the Indian Tribes themselves recognize the need for the creation of sophisticated management and delivery systems for reservation programs, which may lead to the creation of special public or private agencies; they may also recognize that there are a wide range of options which can be used by tribal governments to balance the need for coordination of programs with the need for individually tailored delivery systems, including careful delineation of authorities and responsibilities of the public and private agencies and organizations created by the Tribes; specific reporting and coordination mechanism supplemented by the authority of the Office of Management and Budget's Circular A-95, and other mechanisms which fit the particular organization of each tribe; and

Whereas, Congress enacted legislation, S. 1215 (the Tribally-Controlled Community College Assistance Act of 1978) to provide for grants to Tribally-Controlled Community Colleges; and

Whereas, President Carter, on October 16, 1978, signed into law S. 1215 (Public Law 95-471), the "Tribally-Controlled Community College Assistance Act of 1978"; and

Whereas, The authorization under Public Law 95-471 expires at the end of fiscal year 1982 and no provision has been made to provide financial support to the Tribally-Controlled Community Colleges beyond fiscal year 1982; and

Whereas, It is the policy of the Federal Government to assist Tribes and Alaskan Native entities in their planning, designing, construction, operation, and maintenance of Tribally-Controlled Community Colleges, consistent with all legislation; and

Whereas, The Rosebud Sioux Tribe supports the development of Tribally-Controlled Community Colleges, as well as other tribal institutions for the benefit of Indian post-secondary education; now therefore be it

Resolved, That the Rosebud Sioux Tribe strongly urges and supports federal assistance to reservation-based and tribally-controlled higher education programs; and be it further

Resolved, That the Rosebud Sioux Tribe strongly supports tribal efforts to create community colleges as a vehicle for the delivery of higher education services and recognized the importance of the stability of these tribal institutions; and be it further

Resolved, That the following statement of policy shall be the position of the Rosebud Sioux Tribe:

While the Rosebud Sioux Tribe supports trial institutions, the Rosebud Sioux Tribe urges the U.S. Congress to make assistance available to all tribal higher education institutions regardless of whether or not the Tribe has chosen to utilize a separately chartered or approved institution of higher education, such as community colleges and that funding for post-secondary educational institutions, upon request of the Tribe, shall go to a tribally-chartered program.

The primary intent of this resolution is to support the concept of tribally-chartered community colleges where such an institution is deemed appropriate by the Tribe. It is also directed at the larger principle recognizing the prerogative of a Tribe to develop its own delivery system instead of being forced to create local institutions on the mandate of the Federal Government, and that pending legislation reflect this prerogative; and be it further

Resolved, That the Rosebud Sioux Tribe urges the Congress to introduce and enact legislation to amend and extend Public Law 471, the "Tribally-Controlled Community College Assistance Act of 1978"; and be it further

Resolved, That the Rosebud Sioux Tribe urges the Reagan Administration to support legislation amending and extending the "Tribally-Controlled Community College Assistance Act of 1978".

CERTIFICATION

The above Resolution No. 81-41 was duly passed by the Rosebud Sioux Tribal Council in session February 27, 1981 by a vote of twenty-five (25) in favor, none (0) opposed, and none (0) not voting. The said Resolution was adopted pursuant to authority vested in the Tribal Council. A quorum was present.

NORMAN G. WILSON,
President Rosebud Sioux Tribe.

Attest:
BEN BLACK BEAR, JR., *Secretary, Rosebud Sioux Tribe.*
Date submitted March 24, 1981, to Rosebud Agency Supt.

Mr. KILDEE. Thank you very much for your testimony. I certainly agree with your analogy. I never thought that our country's greatness lies in the fact that it is this so-called melting pot. It is not really a melting pot. I look upon America as a mosaic. When you look at a mosaic, the beauty is very obvious there. You see various stones of various colors and qualities all contributing to the beauty of the whole. I think that that is the beauty of America.

We have a variety of cultures, European, Asiatic, and Native American cultures and others. They all contribute to the beauty of the total culture we have here in America. We want to make sure

that each one of those flowers is allowed to bloom fully, and it is the role of this committee to do that.

Your testimony was very, very good, and I appreciate it very much.

Our next witness is Dr. Dan Honahni, the president of the College of Ganado, which is a private community college.

STATEMENT OF DANIEL HONAHNI, PH. D., PRESIDENT, THE COLLEGE OF GANADO

Mr. HONAHNI. I will make my comments very, very brief, Mr. Chairman. I think that some of the other schools have covered the issues very, very well.

The College of Ganado, as you probably know, is located in the northeastern part of the Navajo Reservation in the State of Arizona. Our school's objective is to enable graduates to enter and remain in full 4-year institutions and colleges. We have committed ourselves to that particular objective in the past 2 or 3 years.

We recognize that the students who come to us know that the course work that they take at the College of Ganado is fully transferable to 4-year schools. As a school responsible for these students, we make the issue of transferability the first criterion in developing any courses or programs.

We are also fully cognizant of the ability levels of our students when they come to the College of Ganado, and we, therefore, offer a very strong academic foundation and programs in basic skills.

The College of Ganado sees as its particular function to provide a very strong liberal arts program and a selected career training program. Vocational education is available at other institutions in this area, and we, therefore, do not try to duplicate those services.

We do, however, make every attempt to aid and assist in the development of human resources in our geographical area through the choice of course offerings in the career area as well as through our delivery methods.

I would like the committee to know that in 1973, the College of Ganado was granted a status as a candidate for accreditation by the North Central Association of Schools and Colleges. In 1979, our school was granted full accreditation to the associate degree level by the same organization.

In our 1-year history, we have had quite a few successes. Some of these successes are now returning in terms of benefits to the reservation in the sense that we have a large group of people who have graduated from 4-year institutions now returning back to the reservation and serving as teachers and, therefore, serving and benefiting hundreds of students in our vicinity.

We do feel that there are, however, some failures that we have experienced. Basically, the lack of funds has kept us from doing many of the things we would like to do: Expanding course offerings, for example, renovations to our buildings that we have got on our campus, recruitment, and so forth. We have tried to make some corrections within the limited funds that we have been able to procure at the school.

But even within these confines, we recognize that the responsibility falls upon the administration of the school to determine how

successful we will be in the future. Therefore, our management procedures have been redefined and revised, and we are now currently being implemented.

We have even reduced our budget from last year, which will hopefully, by the end of this fiscal year, be a testimony to the fact that we do have good management at the school and that we can meet the needs of our students within these confinements.

We have a very low dropout rate. Fifteen percent of our students leave the school of which 7 percent are actually dropping out because of various reasons. The other 8 percent leave school because they are counseled out and into other programs. Part of this is our need to stress a high standard of academic delivery to our students.

I do not feel at this current time that our schools can do justice to our students unless we stress high academic standards. When they carry these particular skills into the 4-year institutions, it manifests to the academic world that we do have strong programs designed to give survival skills to students for the future.

Our basic problems are, again, shortage of funds. The Bureau of Indian Affairs has seen fit to reduce the amount of appropriation given to the school based on the FTEIS from $4,000 to $2,900. That certainly doesn't cover the kinds of costs that we have to encounter in our schools.

In addition, to back up one of the presidents that have testified before you, the FTEIS count during the summer school must be included in future revisions of the bill. One of the reasons, in our case, is that we do not offer any courses at the College of Ganado that are not applicable to accreditation or transfer to a 4-year institution, or are outside of the realm of a course process toward a degree. They need these courses, and these are counted as credit courses. Yet, we are not permitted to count the students during the summer months.

Our students have increased from 82 FTEIS, and I use the IS in there because I am referring specifically only to Indian students, in the fall of 1980 to the spring of 1981, and we expect an increase in that. If you count the total enrollment, we probably have in the neighborhood of 251 bodies at our school.

Our relationships with the various institutions, and the Federal Government has been very good in the sense of our acceptability of the 471 legislation and its assistance to our school.

I realize, after hearing the testimony from the various people, that they have different problems than we do. We find some satisfaction in the bill as it is, probably because we are concerned about the kind of standards that we must maintain, and that we must show the rest of the academic community that we do have good, strong academic programs, and that we do believe that basic skills development is crucial to any individual, regardless of their race, in their future development in this country.

Our major problem has been that the American Indian Higher Education Consortium that contracted for the technical assistance grant has had great difficulty in getting the appropriate funds from the Bureau of Indian Affairs. This means that the individual colleges have had difficulty in carrying out their work plans under this grant.

Again, it is not the fault of American Indian Higher Education Consortium, but I feel that it is the slowed down process, the lack of communications, and just a lack of total support that the Bureau has for this program which is the cause.

This means that the individual colleges have to lose some face. It does not help our reputation to contract with consultants to give us assistance and, then, not be able to pay these consultants for several months. It is very, very embarrassing to get calls all the time.

None of the colleges which are qualified for this assistance have the financial ability to support this project until funds come from the Bureau of Indian Affairs. So we urge the committee to check into that as closely as possible.

Other than that, the College of Ganado's experience with 471 has been very, very positive. As you know, in 1979, we were ready to close the doors at the College of Ganado, and if it had not been for the simple hope that we were going to have this bill approved and to have some funding coming to the college, we would not have survived at all. But today, because of 471's assistance, we are looking toward a bright future.

Thank you very much.

[The prepared statement of Daniel Honahni follows:]

PREPARED STATEMENT OF DR. DANIEL HONAHNI, PRESIDENT, THE COLLEGE OF GANADO

Mr. Chairman, my name is Dr. Daniel Honahni, and I am President of The College of Ganado, in Ganado, Arizona. I am pleased to be here today regarding Public Law 95-471, the Tribally Controlled Community College Assistance Act.

The College of Ganado is located in northeastern Arizona on the Navajo Indian Reservation, where it originally was part of a scholastic and healing mission founded in 1901. Supported by the Presbyterian Church, Ganado was a high school until 1970, when it commenced operation as a 2-year postsecondary institution. In 1977, when the church indicated it was going to phase out its community college operations, the College started a 2-year transition that concluded with total independence in 1979, a status that we are proudly maintaining, with I should note, the critical assistance provided uder Public Law 95-471.

One of the school's objectives is to enable graduates to enter and remain in full four year universities and colleges. At a time when a very large percentage of Native American students drop out after enrolling at such institutions, we believe the need is very great for a community college with a focus on academic foundations type courses. As reported by the General Accounting Office and cited by this Committee in its 1978 report on the Public Law 95-471 legislation, the three main reasons for the poor performance of Indian post-secondary students are weak academic backgrounds, culture shock, and inadequate counseling and tutoring services. It is these very points the College of Ganado seeks to address in its academic program emphasizing the development of strong basic learning skills in a close-to-home setting with as much personalized attention as possible. We at the College of Ganado believe we are trying our best to fulfill a genuine and critical need in the spectrum of Indian education and I believe we are succeeding.

The College of Ganado provides a sound, well-defined program of courses designed to prepare students for transfer to four year institutions for the completion of a bachelors degree or for employment in various areas such as Teacher Aide, Forestry and Range Technician, Business, Archaeology, etc. Our student body traditionally represents many different tribes from many areas of the West and Southwest. These students come to us knowing that the coursework they take at Ganado is fully transferrable to four year schools, as we make the issue of transferability the first criterion in developing any new course or program. We also are fully cognizant of the ability levels of our students when they come to the College of Ganado, and offer a strong academic foundation program in the basic skills. Any student who comes to us with the desire to complete an Associate Degree is given the necessary academic support as well as much individualized attention from faculty and staff.

The College of Ganado sees as its particular function the provision of a strong liberal arts program and selected career training programs. Vocational education is

available at other institutions in this area; we therefore do not try to duplicate those services.

We do make every attempt to aid and assist in the development of human resources in this geographical area through the choices of course offerings in the career areas as well as through delivery methods. We will, as the need arises, offer specific courses at places of employment, or design courses for particular circumstances. Last spring, for instance, we offered a course in health care skills at an area nursing home for its nurses aides and housekeeping staff. We have a reputation for reliability in this kind of community service work—that is, we carry through on our promises.

One area of assistance which is not readily available here is a G.E.D. program. There is a strong need for such course offerings, and state funds, which usually provide these services, are not available to the reservation areas. We are exploring funding possibilities for the offering of such a program.

In 1973, Ganado was granted status as a Candidate for Accreditation by the North Central Association of Schools and Colleges, and in 1979, the College of Ganado was granted full accreditation to the associate degree level by the same organization.

The College of Ganado has had many successes in its eleven year history. Since our first graduation occurred in 1973, 50 percent of Ganado's 157 graduates have gone on to four year institutions. Many others entered the job market immediately upon graduation. Twenty-two of Ganado's graduates now hold degrees from four year institutions, and it is particularly gratifying to note that eleven of our graduates are now teaching school back on the reservation, passing the benefit of education on to hundreds of young students.

We do not feel that there are any specific failures we have experienced. Lack of funds have kept us from doing many of the things we would like to do—expanding course offerings, renovation and construction of buildings, etc. are limited by the availability of funds.

Our recruitment effort, too, has suffered recently due to lack of well-qualified personnel in that area. At present our full time enrollment is as follows: Fall Semester 1980–82 FTEIS; Spring Semester 1981–98 FTEIS. We have now hired an experienced person who will, we are sure, be able to revitalize that area.

The carrying on of our task, however, has not been easy. Since our independence in 1979, a considerable amount of our effort has been directed to the College of Ganado's basic survival. Financial resources, principally from scholarships, Federal assistance, and donations, must be very carefully managed to go as far as they can. But Ganado is dedicated and has confidence in the future. Our relationship with assisting Federal agencies has been extremely good.

Funds from Public Law 95–471 have been of tremendous help to our operation. Checks have been coming through in a more timely fashion this year, and interpretations of the regulations have been defined. We feel comfortable with this program. There have, however, been many difficulties with the technical assistance part of the grant. AIHEC, the contractor for the technical assistance grant, has had a great deal of difficulty in getting the appropriated funds from the Bureau of Indian Affairs. This means that the individual colleges have had difficulty in carrying out their work plans under this grant. The program as designed has been of great benefit to the colleges, but it does not help our reputations to contract with consultants to give us assistance and then not be able to pay those consultants for several months. We would like to see improvements in the funding procedures for that program. None of the colleges which are qualified for this assistance have the financial ability to support this project until funds come through from the Bureau of Indian Affairs.

Other than that, the College of Ganado's experience with Public Law 95–471 has been positive and I would urge this Committee to reauthorize, or even make permanent, this needed and valuable law.

Thank you.

Mr. KILDEE. Thank you very much, Dr. Honahni.

Our next witness is Dean Jackson, president of the Navajo Community College.

STATEMENT OF DEAN JACKSON, PRESIDENT, NAVAJO COMMUNITY COLLEGE.

Mr. JACKSON. Thank you, Mr. Chairman.

My name is Dean Jackson. I am president of Navajo Community College.

Mr. KILDEE. Mr. Jackson, would you mind if I just ran over to the Capitol and cast my vote. I will be right back.

[Recess.]

Mr. KILDEE. The subcommittee will be in order.

Again, I apologize to the president of the Navajo Community College.

If you would proceed now again.

Mr. JACKSON. Thank you, Mr. Chairman.

I would like at this time to introduce the president of the board of regents, Mrs. Delores Edwards.

I want to proceed by thanking this committee for making this oversight hearing possible so that we can present the concerns and other things that we would like to tell about Navajo Community College.

First of all, you know that the Navajo Community College falls under title II of Public Law 95-471 by itself. So we have somewhat different concerns in some areas, but basically some of the concerns and recommendations that have been presented by various presidents and various colleges under title I are very applicable to Navajo Community College.

I would like to share a little information about Navajo Community College. Navajo Community College was established in 1969 under, at that time, money from OEO. It was not until 1971 that Public Law 92-189 was passed which established permanent funding for Navajo Community College.

Under this public law, Navajo Community College experienced tremendous growth. Like other colleges, our emphasis is on the liberal arts program and the transfer programs. The majority of our students are in associates of art degree program. Upon attaining that program, they go on to other universities and colleges to obtain further education and degrees.

We have very limited vocational education programs because of a lack in funds and the high costs. Some of the programs that we have at the college are a strong nursing program, other cultural programs, veterinary medicine program, health program, business program, legal advocate program, and research development, and basically we help in dealing with the land disputes between the various tribes around there. We also do research in energy development.

We have workshops and conferences. The latest conferences that we had were by the Foster Grandparents program. We have a GED program. We develop child care standards for the Navajo Tribe, and these are some of the things that we do besides liberal arts programs.

In addition to that, Public Law 95-471 provided opportunities for implementation of the Navajo philosophy of education. We say that historically Indian education has been series of confrontations between two prevailing cultures. We offer, under the premises that Indian values, traditions, beliefs, language, and culture do not necessarily impede, interrupt, and disrupt learning and knowledge provided in formal education.

We say that Indian awareness, understanding, and appreciation of one's own language and culture enhance educational opportunity and the learning process because it enhances a positive self-concept and a positive self-confidence—elements that are so crucial to motivation and learning.

I would like now to briefly allude to the 10-year student followup study that we completed last year. Navajo Community College in 10 years has graduated 895 students. Seven hundred and fifty of the 895 have transferred to other colleges and universities. One hundred and forty-three have earned bachelor or baccalaureat degrees. Eleven have earned master's degrees. One has earned a Ph. D., and one has become a medical doctor.

Seventy-eight percent have returned to the Navajo Reservation to work, and 50 percent of the graduates go to the universities and colleges in Arizona. Thirty-seven percent of those that return to the reservation are employed in education.

We, too, think that quality of education for a degree program is very important. Because of this, we are working with the universities surrounding the reservation, and we have developed course equivalency guides which assure that when our graduate goes to another university or 4-year college that they are not penalized or do not lose the credits that they have earned at Navajo Community College.

We are now talking about an exchange program with Stanford University of California. This is an example of what we are working toward in our establishment of a strong academic program.

Despite these successes, Mr. Chairman, we also had much difficulty. We believe that, as a result of Public Law 95-471, Navajo Community College received a drastic reduction of 60 percent, from a budget of $6.4 million to $3.1 million. No successful Federal agencies, we believe, could survive under a reduction of this nature, but we have been able to survive up to this time.

I would like to reiterate some of the comments here that we have had a total lack of support from the Bureau of Indian Affairs in making Public Law 95-471 work for us. Realizing that Public Law 95-471 was not equitable or that it was inadequate for Navajo Community College because of the size of the population, the sort of programs that we have, and the facilities that we have, Congress amended Public Law 95-471 with Public Law 96-374 on October 3, 1980. It has been 10 months, and today the BIA has failed to develop rules and regulations to implement that.

Instead, we have had over six audits, two by GAO, two by BIA, and two by the Inspector General's office. An audit is going on at this time in a way to implement what Public Law 96-373 says. Yet, in the 1982 budget, we are marked for $3.1 million again. This is based on a 1980 FTE. We say that this is a violation of the rules and regulations.

For this coming semester, our semester is going to begin August 17th, and we don't anticipate receiving funds from Public Law 95-471 until late October or early November. In a period of 2½ months, we have to have some funding to start off the school, and I think this has been alluded to by several of our witnesses here, necessitating some sort of forward funding.

Public Law 95-471 also authorizes construction. The Navajo people have a population of about 150,000 to 160,000. Like Dr. Bordeaux said, the majority of them are young people of college age. We think that there is a potential student population on the Navajo Reservation of about 80,000. So with the cuts that we have been receiving, who is going to address the higher educational concerns of this huge population that is going to be at our doorstep in a few years.

Yesterday, I received a call from my office in terms of enrollment. We have about 6 weeks before school starts, and they informed me that there have been 900 requests for financial aid, and we can only accommodate 300 right there at the main campus. This 900 represents all or more of what we had in the total school year last year. So you can see the influx of Navajo students to the higher educational doorstep, not only at Navajo Community College but also at other community colleges and 4-year institutions.

In lieu of our request for construction money, BIA has come forth and recommended that we utilize underutilized BIA facilities, such as the one that exists at Chip Rock, which was developed for a high school and elementary school. We are willing to work with this type of facility, but we must have money to renovate these facilities so that we can accommodate higher education programs.

We were told by the BIA in a recent audit that the money that we get can only be used for instruction areas, disallowing such things as transportation costs, equipment costs, and renovation costs. We have a facility of about $20 million that exists right there, and it is beginning to deteriorate and beginning to fall apart in many areas, and we have no money for renovation and repair.

This is the first time in the history of Navajo Community College that we don't have summer school. Summer school is very important because some of the teachers or the workers who are not able to go to school in the winter or during the regular academic semesters and some of the teacher's aides usually come back to school in the summer to obtain their AA degree so that they can go on to get 4-year degrees.

These are some of the concerns of Navajo Community College.

We think Public Law 95-471 was a landmark decision by Congress, an unprecedented opportunity for Indians to implement their educational programs, plan for their educational programs, and implement their philosophy of education.

With this, I would like to again thank those of you who have helped us in the past. I know that we will reinforce our efforts and find a direction to make Navajo Community College a success.

Thank you very much.

[Material submitted by Dean Jackson follows:]

PREPARED STATEMENT OF DEAN C. JACKSON, PRESIDENT, NAVAJO COMMUNITY COLLEGE

Mr. Chairman, my name is Dean C. Jackson, and I am the President of Navajo Community College. Before I get into my testimony, I want to express my gratitude on behalf of everyone at Navajo Community College, to you and this Committee for all you have done on behalf of Indian postsecondary education. Your past efforts and initiatives have provided opportunities to many Indians, who otherwise may have had no other alternative but to forego education at the postsecondary level.

Navajo Community College's primary mission is to meet the special and unique educational needs of the Navajo. This mission is the guide in the development of education program in which NCC has attempted to address a myriad of Navajo needs through education and training.

The basic premise of NCC is that education is the only course by which Navajos will be able to elevate themselves out from under the extreme poverty and social and psychological dilemmas they have lived with for many years.

It is my conviction that if we don't address the educational needs of the present generation, dependence on the federal government as the economic base of the Navajo Reservation will continue indefinitely. Within the above philosophic stance, I will make an effort to identify the educational needs of the Navajo people.

Historically, the Navajos have never had the opportunity to participate in the education process of their children. It has always been someone else who determined the Navajo's education. Passive participation in the educational process by the Navajos is the result of such exclusion.

The importance of NCC is that, for the first time in the history of the Navajo Nation and its relationship with the Federal Government, the College provided the sentiment of "ownership". Perhaps one of the most important actions of the Navajo Tribal Council in its history is the establishment of Navajo Community College because it represents bold and unprecedented endeavor to control their own higher education institution. It represents an exemplary move in the Indian effort for true self-determination. It's importance spread to other Indians throughout the United States, as there are now over twenty-five (25) tribally controlled community colleges since the beginning of Navajo Community College in 1969.

In terms of meeting the educational needs of the Navajos, Navajo Community College has just barely scratched the surface of needs. There exists a strong need for special manpower training and education in the areas of business management, natural resources development and community development. The College has in the past and is continuing to meet education needs in health, agriculture, legal services, education and general education. Our programs reflect our efforts with most of our students involved in one of these areas. The College is fully accredited by the North Central Association and has been since 1979. We have had significant success in our Registered Nursing Program, Legal Advocates Program, Navajo Eductors Program, Adult Basic Education Program, Health Aids Program, and Agriculture Program, including Veterinary Medicine. These programs however, only partially meet the long term needs of the Navajo.

There is not only the problem of program scope, but also one of student capacity. We could be serving twice the number of students we now do if we had adequate resources. There are approximately 80,000 potential students, and the economic potential is there, but we lack the facility and instructional resources to fully serve that number.

One of the concerns raised by the last North Central Association review was that of financial and personnel stability. They were surprised and impressed by the quality of college services, given the instability in our funding and the high turnover in faculty and administrators. The ramification of this has been that college administrators and faculty have had to spend more time dealing with short-term emergency needs rather than with long-term institutional planning and that the College has had to provide less than the best quality of instruction in business and vocational education.

I want to emphasize that the enactment of Public Law 95–471, Title I, brought to the Indian reservations, postsecondary education and vocational training, for the first time in Indian history. If this opportunity had not been made available as a result of the foresight of Indian leadership and the support and approval of the Congress, countless numbers of Indians would have had no other opportunity for postsecondary education and training.

Title II of Public Law 95–471 is the authority that sets out how NCC will be assisted and operated. Basically, Title II, is good legislation. But the interpretation of the law by BIA has caused great difficulties. We attempted to get an administrative remedy. When we determined that no administrative remedy was forthcoming, we initiated action to get a "rider" attached to the Higher Education Amendments. We were successful, and now NCC has been removed from formula funding. NCC is waiting to see how BIA will implement the intent to the new law.

I just recently completed my second year as President of Navajo Community College so the rest of my remarks will be limited to the experiences we have had in implementing Title II of Public Law 95–471. After the enactment of Public Law 95–471, the Bureau of Indian Affairs [BIA] assembled a Task Force to assist with drafting the rules and regulations to implement Public Law 95–471. My understanding is

that right from the beginning, the BIA's interpretation of the formula, contained in Public Law 95-471, collided with the interpretation the Indian controlled colleges recommended. The BIA utimately over-ruled the recommendations and interpretations regarding the formula suggested by the Indian colleges.

The BIA's interpretation resulted in a severe funding cut for NCC. In fiscal year 1980, NCC received $6.4 million. The $6.4 million had been developed using the Zero Base Budgeting [ZBB] process with cooperation between NCC and the Navajo Tribal Administration. This fiscal year, 1981, NCC was cut by 60 percent as a result of BIA's interpretation of the funding formula contained in Public Law 95-471. For fiscal year 1981, NCC received $3,172,000.

NCC has been criticized for depleting the $3,172,000 during the third quarter of the fiscal year 1981. I want to clarify why NCC had to expend the $3,172,000 before the end of fiscal year 1981. When NCC opened its doors in the fall of the 1980, we were operating on a continuing resolution. NCC had developed its fiscal year 1981 budget in conjunction with the Tribe and the ZBB process, and since NCC was already 4 months into the 1980-81 academic year, it would have been disruptive to curtail or terminate programs. We decided instead to continue all programs rather than disrupt them. We also had been told a supplemental appropriation would be requested to overcome this large deficit.

Because we were critically aware of the consequences of a 60 percent budget reduction, we attempted to get BIA to request a supplemental appropriation that might reduce the 60-percent cut to approximately 20 percent. After receiving little sympathy from BIA, NCC went to the Arizona/New Mexico Congressional Delegations to have them sponsor a rider to the Higher Education Amendments. The NCC rider was approved, along with the Higher Education Amendments on October 3, 1980. Again, we went to BIA with a request for an add-on because the Senate was still considering the Interior's budget, there was ample time in which an add-on could have been initiated. We were also led to believe an add-on or supplemental appropriations would be forthcoming. Because the opportunities for additional funds were eminent, the Board of Regents decided, as indicated above, that it was better to continue all programs as opposed to cutting and disrupting many programs that were already half way through the academic year. The $3,172,000 was depleted in March of this year. In the meantime, the BIA made $625,000 available by reprograming its funds. The Navajo Tribe as well provided an additional $400,000; and the BIA is seeking reprograming approval from the Senate Interior Appropriations Committee for an additional $200,000. The reprogramed amounts and the Tribal appropriation have allowed NCC to survive. Mr. Chairman, NCC did not misappropriate any funds. The Board of Regents and I as president, were most concerned about disrupting education and training for our students, and possibly losing our accreditation. This past May, NCC graduated 119 students. Had the Board decided to curtail programs and services, the college would have been at odds with its tribal mandate and the intent of Public Law 95-471 as we understand it.

Since the enactment of NCC's rider, contained in Public Law 96-374, Title XIII, Part F, the BIA has sent a Task Force to conduct an on-site audit of NCC's enrollment and expenditures. As a result of this audit, BIA has determined and has recommended to the Department of the Interior that NCC be funded at a rate of $5,300 per full-time-equivalent (FTE), Indian student times the number of FTE's with an additional eight percent (8 percent) for dormitory operations. For fiscal year 1982, BIA recommended $5,300 × 1,000 FTE plus 8 percent for a total of $5,724,000. We have learned that the Department of Interior has little or no objection to this recommendation, however, it has informed BIA that the additional money must come from within the present 1982 budget ceilings. Compared to BIA's $5,300 per Indian student recommendation for NCC, the cost per pupil for nonpublic colleges is $7,400, as reported in "U.S. News and World Report," dated July 18, 1981, page 24.

We presented this information regarding BIA's recommendation to the House Sub-Committee on Interior Appropriation, but the amount the Committee approved remains at $3,172,000. We hope the House Interior Sub-Committee on Interior Appropriations will seriously consider a more reasonable and workable reduction than the 60 percent we have now experienced.

The intent of Public Law 95-471, Title II, provided the brightest hope for Navajo Community College, but its implementation as far as NCC is concerned, had been a very real nightmare. Our operating money was cut by over 60 percent. We are not even attempting to request funding for construction purposes which is authorized in the law. Public Law 95-471 has been a step backward for us. I am addressed by people who have been with the College longer than I have, that the lack of real support by the BIA has been a problem since 1971, when the original NCC Act was enacted. The new recommendation by BIA to meet the newest NCC amendment is

some improvement, but it does not address the actual cost nor the actual need of our College.

As a comparision to BIA's recommendation, I want to point out that a Department of the Interior Budget Office Report, dated May 6, 1980, cites a per pupil cost rate for a BIA elementary boarding school of $7,229. If the BIA is expending $7,000 or more to educate elementary students, it must certainly realize that cost for a postsecondary level operation must equal or exceed that rate. Why, then, does BIA continue to fund tribally controlled colleges at such drastically lower amounts, as is the case presently?

We feel at NCC, that the lack of adequate support by the Executive Branch (EB) is an indication that self-determination and its implications are just bureaucratic buzz words, or the EB does not understand what community colleges are all about.

Educators and non-educators alike recognize the need for formal education and training if untrained and unskilled people are to participate in the free enterprise system of this Nation. Tribal colleges have been established to address these needs for the reservations' economic and soeial development, and well-being as well as to re-enforce tribal culture and language. This plan seems to be no different from the efforts this country is initiating, to assist third world countries.

NCC has provided reams of information to support the need, the effort, and the justification for these programs. BIA has audited NCC twice. GAO has audited NCC twice. Interior's Inspector General has audited NCC twice. All these audits have led to "paralysis by analysis," as "Newsweek" put it. For example, one recurrent issue in the various audits is that of student enrollment, accountability and identification of Indian students. We want to provide to the Sub-Committee one sample document, due to time and expense involved does not allow for more copies, but which addresses the above issue. You will note that the document shows; the name, the tribe, and statue of individual students, along with number of credit hours carried. This report is based on actual and more detailed individual student records as retained in NCC's Office of the Registrar.

Indian colleges started because of the need for providing postsecondary education and occupational training in the Indian communities. These colleges must be managed and administered by Indian people. They must each, in addition to the regular junior college academic courses, language and cultural courses, important for perpetuation of the Tribe and they must create pride in history, language and culture and must establish self-identity and self-worth as Indians. Moreover, the traditional colleges and universities failed to meet the special educational needs of Indians. The national education community, during this time, was being asked whether the traditional academic approach for education was effective for all people. Today, community colleges are involed in teaching traditional academic courses via a non-traditional style. Communities are identifying needs, and community colleges are attempting to meet those needs. It's the same with Indian colleges.

A serious difference exists, in my opinion, because people in BIA education are still operating in the traditional school. Their concept of Indian community colleges is limited to the three R's. Indian colleges, like other colleges in the country, are attempting to respond to new teaching techniques for non-traditional subjects. Some of NCC's students are older people who want to learn a particular subject for skill development that is job or occupational related.

If the BIA will accept this concept plus the non-traditional education approach used by new community learning centers throughout the country, then perhaps more relistic support in terms of policies, and dollars may come about.

In closing, I want to re-emphasize the importance of education and training on the Navajo. As any where else, the Navajo Tribe needs to have a citizenry who possess an education and training which allows them to participate in the national employment market. While the Navajo Tribe plans and works towards self-determination and/or dependence on outsiders, it is unrealistic to expect any great strides in these directions if it does not have a trained and skilled manpower pool. Education is the basis for career development and in turn provides a satisfying purpose in life. It is essential that the progress that tribally controlled colleges have made to date be supported and continued. Education is expensive, but ignorance perpetuates itself so that dependence on the Federal Government becomes a cycle from generation to generation.

Attached are the printouts and the codes are:

TRI127	Navajo	TRI172	Osage
TRI129	Sioux	TRI176	Yaqui
TRI130	Hopi	TRI179	San Juan Pueblo
TRI132	Apache	TRI183	Iroquois
TRI134	Blackfeet	TRI195	Crow
TRI137	Arapahoe/Cheyenne	TRI196	Hoopa
TRI149	Papago/Navajo	TRI197	Navajo/Tewa
TRI151	Northern Cheyenne	TRI198	Ogala Sioux/Shoshone
TRI154	Acoma	TRI199	Other Tribes
TRI158	Papago	TRI300	Anglo
TRI160	Zuni	TRI301	Black
TRI161	Navajo/Hopi	TRI302	Mexican American
TRI164	Hopi/Tewa	TRI303	Oriental
TRI167	Laguna		
TRI171	Navajo/Laguna		

ETH1	American Indian or Alaskan Native
ETH2	Asian or Pacific Islander
ETH3	Black (Not of Hispanic Origin)
ETH4	White (Not of Hispanic Origin)
ETH5	Hispanic or Chicano
ETH6	Filipino
ETH7	East Indian
ETH8	Other
ETH9	No Answer

Column	Heading	Explanation
1	Reg, Site	Site of Stu Registration (T,S,E)
2	ETH,NIC	ETHNIC CODE (1-9)
3	DESC	CODE DESCRIPTION
4	COUNT	COUNT
5	Student, Id Nbr	Student ID Nbr (SSN or NCC Id#)
6	STUDENT NAME	FULL NAME AND SUFFIX
7	T	Tsaile Campus Classes Code
8	E	Extension Classes Code
9	S	Shiprock Campus Classes Code
10	CURR,LOAD	STUDENT'S CURRENT LOAD IN UNITS

Tsaile	105	49% of total student body is married.
Ext.	949	23% of total on campus student body is married.
Shiprock	289	
	1343	

NAVAJO COMMUNITY COLLEGE
Tsaile, Navajo Nation (Arizona) 86556

OFFICE OF THE PRESIDENT

August 11, 1981

Representative Paul Simon, Chairman
SubCommittee on Postsecondary Education
320 Canon House Office Building
Washington, D.C. 20515

Dear Representative Simon:

Thank you for allowing us additional input. With regard to the demographic studies, we have attached two charts which compare the College's student population with the larger Navajo Tribe population. On Chart A, the age distribution of the 80,000 potential client students referred to in my testimony is compared with the College's present age distribution. On Chart B, the geographic distributions are compared. As becomes evident from these two charts, and the fact that the College enrolls fewer than 2500 total student head count per semester, there is a substantial number of potential client students that we are presently not serving. Some few of these potential students, approximately 2000 go off Reservation to other schools, but the majority simply do not have access for one reason or another or do not see themselves being successful and therefore do not try. It is this physical and emotional inaccesibility that the College is overcoming. Of the 80,000 potential client students, fully 80% need additional educational services, but are at best being served marginally.

Chart C attached, provides the information in your question #1 reference our annual budget. We have provided you FY-77 through ten (10) months of our FY-81. Please note that FY-80 and FY-81 are unaudited summaries. The amount of Title III funds, etc. are listed in the various Appendixes A-F of Chart C.

To your second question, we must simply respond with a plea of ignorance. To our knowledge, all of the Tribally Controlled Community College's (TCCC) have been providing the Bureau of Indian Affairs an Annual Report. Navajo Community College was not required to submit the standard Annual Report because we operated out of a Public Law 93-638 contract, however we still provided the Bureau the equivalent information. As with your staff, we know of no "system" within Interior; however, Navajo Community College does submit Higher Education General Information Survey (HEGIS) Report data each Fall which is filed with the National Center for Education Statistics (N.C.E.S.). We should point out however that the HEGIS information is not consistant with the Annual Report information and that the Regulations which interpret

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Representative Paul Simon, Chairman
SubCommittee on Postsecondary Education

Public Law 95-471 are not compatible with the HEGIS definition. We wish to point this out because in the past, information about our College for HEGIS has been used as if it were comparable to the Annual Report information and this is simply not the case.

As to the benefits of such a system, there would be some if the information were developed into a usable format as are parts of the HEGIS reports. It would be useful for example to develop some common staffing requirement parameters; and comparisons of financial resources allocation would be very useful to the new TCCC institutions and for program monitoring purposes. However, our experience is that there must be an effort within Interior to use the information. Our College has submitted literally boxes of printouts and reams of supporting documents to the Bureau with the result that instead of using what was submitted we were simply told that the Bureau either did not have the time to study or did not understand what we had sent them. As a result and seven (7) audits later, it would seem that now the Bureau is responding to the information and coming to some of the same conclusion we did three years ago.

Again, thank you. Navajo Community College is the first of the TCCC's and as a result we have suffered the brunt of the pioneering difficulties. We appreciate this chance to communicate to Congress.

Sincerely yours,

Dean C. Jackson

Dean C. Jackson, President
Navajo Community College

/ggm

Enclosures
Chart A
Chart B
Chart C

Chart A

Navajo Community College Age Enrollment Distribution 1.		Selected Age Group Reservation Population, 1981 2.
< 1%	17 or younger	
10%	18-19	40,170
10%	20-21	
10%	22-23	15,396
10%	24-25	
60%	26-45	25,390
< 1%	46 or older	-
		80,956

Source:

1. Navajo Community College Enrollment Data Base
2. Information Service Department, The Navajo Tribe

Chart B

Navajo Community College Agency Enrollment Distribution 1.		Total Reservation Population by Agency 2.
Chinle Agency	15%	18,159
Eastern	11%	36,331
Ft. Defiance	20%	38,818
Ramah/other Res.	< 1%	4,814
Shiprock	21%	31,284
Western	12%	30,224
Other/Off Reserv.	21%	-
		159,630

Source:

1. Navajo Community College Enrollment Data Base
2. Information Service Department, The Navajo Tribe

Chart C

	FY-77 (14 months) (audited)	%	FY-78 (12 months) (audited)	%	FY-79 (12 months) (audited)	%	FY-80 (12 months. (unaudited)	%	FY-81 (10 months) (unaudited)	%
PL 92-189	$4,981,017	64	5,241,583	65	4,908,875	57	6,313,900	59	561,175	7
PL 95-471	-		-		-		-		3,100,000	36
BIA Reprogrammed	-		-		-		-		625,000	7
Navajo Tribe	-		-		-		-		400,000	5
Tuition and Fees	110,517	1	80,586	1	411,808	5	81,455	1	119,873	1
Restricted Grants and Contracts (See Appendix (A - E)	A		B		C		D		E	
	1,793,551	23	1,819,862	23	2,146,102	25	2,785,704	26	2,202,305	26
Gifts & Donations	92,484	1	20,344	(1	10,575	(1	9,659	(1	5,121	(1
Investment	53,010	(1	6,954	(1	7,634	(1	17,778	(1	17,827	(1
Sales, Ed. Serv.	3,960	(1	4,855	(1	52,394	(1	7,857	(1	8,713	(1
Sales, Aux. Ent.	721,268	9	808,579	10	924,768	11	1,511,001	14	1,401,907	16
Shiprock Branch	20,528	(1	11,309	(1	18,296	(1	17,571	(1	57,270	1
Other	8,976	(1	15,369	(1	58,080	(1	27,854	(1	10,129	(1
TOTAL	7,785,311		8,009,441		8,538,532		10,772,679		8,520,320	
Dates	(7/1/76-8/31/77)		(9/1/77-8/31/78)		(9/1/78-8/31/79)		(9/1/79-8/31/80)		(9/1/80-6/30/81)	

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APPENDIX A
07/01/76- 08/31/77

	Grant Expenditures
FEDERAL GRANTS AND CONTRACTS	
Department of Health, Education and Welfare:	
Office of Education:	
American Indian Higher Education Consortium	20,092.61
	350,000.00
Strengthening Developing Institutions	32,078.60
Navajo Adult Basic Education	98,864.16
Cooperative Education	15,447.08
Right to Read	
Library Collections:	
Tsaile	3,930.00
Shiprock	1,972.21
Bilingual/Bicultural Teacher Training	1,078.90
National Program for Educational Leadership	
Position Papers on Indian Education	6,656.12
Career Opportunities	
National Indian Education Association	
Public Health Service:	
Enrollment and Retention of Students in Nursing Program	25.32
Nursing Capitation	
Through Indian Health Service:	
Navajo Nation Health Symposium (including $5,000.00 from Navajo Health Authority)	13,443.21
Humane Officers Workshop	42,275.59
Through Navajo Health Authority:	
Science Faculty Development	12,245.03
Through Colorado State University:	6,289.66
Veterinary Aid Program (including $4,000.00 from Navajo Health Authority)	
Office of Native American Programs:	
Training and Technical Assistance	
Reservation Management Development System	
Office of Human Development:	
Child Development Program	
Through Arizona Department of Education:	
Curriculum Development	

FEDERAL GRANTS AND CONTRACTS (Continued)	Grant Expenditures
Department of the Interior:	
Bureau of Indian Affairs:	
Navajo Adult Basic Education	11,500.53
	37,020.81
Cottonwood Bilingual Training	8,150.43
Training Program for Social Services	31,485.28
Stories of Traditional Navajo Life and Culture	18,528.58
Through American Indian Higher Education Consortium:	
Community College Survey	
Department of Labor:	
Concentrated Employment Rraining Act:	
Through Navajo Tribe:	
Shiprock Farm Training	
	76,620.14
	266,505.95
	34,241.78
	545.00
Reservation Management Development Institute	
Instructional Training	91,891.59
Through Arizona Department of Education:	
Vocational Training—NACOG	
	3,526.43
Department of Commerce:	
Office of Minority Business Enterprise:	
Through American Institute of Certified Public Accounts:	
Chair of Indian Economic Development	
Through Bureau of Indian Affairs	24,123.34
Department of Justice:	
Law Enforcement Assistance Administration:	
Through Arizona State Justice Planning Agency:	
Security Equipment Improvement	18,411.67
Energy Research and Development Administration	
Through Argonne National Laboratory:	
Navajo Land Reclamation Training Program	16,540.09
	2,154.45
	15,322.24
National Science Foundation:	
Research Issues	9,272.90
Briefing Conference for Minority Institutions	
Restructuring the Undergraduate Learning Environment	1,806.26
Four Corners Regional Commission:	
Navajo Indian Irrigation Project	
Through State of Arizona:	
Grounds Improvement	

	Grant Expenditures
FEDERAL GRANTS AND CONTRACTS (Continued)	
National Endowment for the Arts:	
Navajo Bilingual Theater (including $1,500.00 from the Arizona Commission on Arts and Humanities)	1,834.71
	12,500.00
Writer in Residence	8,683.47
Navajo Summer Healing Ceremony	4,766.25
National Endowment for the Humanities:	
Curriculum Consultants	2,594.30
Plains Indian Culture Exhibit	7,736.96
STATE AGENCIES:	
New Mexico Humanities Council:	
Open Forum Meetings	3,014.18
New Mexico American Revolution Bicentennial Committee:	
Navajo Bilingual Theater	6,362.99
New Mexico Arts Commission:	
Navajo Bilingual Theater	719.00
Arizona Bicentennial Commission:	
Indian Archer Championship	
PRIVATE FOUNDATIONS AND OTHERS:	
Weatherhead Foundation:	
Navajo Studies, Books and Tapes	
Visiting Scholars	
Vehicle	390.21
National Indian Conference	6,687.65
Library Collections	320.42
Navajo Economic Resources Book	
Ford Foundation:	
Navajo History Books	
Chambers Ranch	5,728.11
Delta Kappa Gamma:	
G.E.D. Instruction	447.96
	11,129.51
Kellogg Foundation:	
Internship Program	30.00
American Association of Community and Junior Colleges:	
Rockefeller Fellow Intern	
Educational Facilities Laboratory:	
Culture Center Consultants	1,514.07

	Grant Expenditures
PRIVATE FOUNDATIONS AND OTHERS (Continued)	
Coordinating Council of Literary Magazines	
Southwest Poets Conference	
Resources for the Future:	
Navajo Economic Resources Book	9,174.53
Navajo Tribe:	
Division of Education:	
Navajo Teacher Education Program	4,483.49
Miscellaneous Library Donations:	
Library Collections	60.67
STUDENT SCHOLARHSIP GRANTS:	
Department of Health Education and Welfare:	
Office of Education:	
Basic Educational Opportunity Grants	239,489.10
College Work-Study Program	63,122.20
Supplementary Educational Opportunity Grants:	
Continuing	24,102.50
Initial	9,331.00
Veterans Program	
Public Health Service:	
Nursing Scholarships	2,254.00
Department of Interior:	
Bureau of Indian Affairs:	
Indian Student Scholarships	15,360.00
Navajo Tribe:	
Navajo Tribal Scholarships	19,279.25
Miscellaneous Private Scholarships:	44,309.45

APPENDIX B
09/01/77 - 08/31/78

	Grant Expenditures
FEDERAL GRANTS AND CONTRACTS	
Department of Health, Education and Welfare:	
Office of Education:	
American Indian Higher Education Consortium	$ 19,210.80
	254,642.47
Strengthening Developing Institutions	2,601.24
Navajo Adult Basic Education	7.28
Cooperative Education	26,341.94
Library Collections:	
Tsaile	3,855.00
Shiprock	
	3,855.00
Planning Management/Evaluation	44,047.11
Career Opportunities	
Public Health Services:	
Minority Biomedical	13,978.29
Nat. Am. Professional Health Careers Prog.	280.00
Through Indian Health Services:	
Humane Officers Workshop	594.65
Through Navajo Health Authority:	
Science Faculty Development	2,249.28
Through New Mexico Highlands	
Allied Health Professional Special Improvement Program	20,284.04
Through Colorado State University:	
Veterinary Aide Program	52.50
Health Manpower Educ. Initiative Training	8,876.28
Reservation Management Development System	
Office of Human Development:	
Child Development Program	

	Grant Expenditures
FEDERAL GRANTS AND CONTRACTS (Continued)	
Department of the Interior:	
Bureau of Indian Affairs	
Navajo Adult Basic Education	
	$ 10,956.09
	56,067.86
Training Program for Social Services	5,647.15
Stories of Traditional Navajo Life and Culture	
Department of Labor:	
Concentrated Employment Training Act:	
Through Navajo Tribe:	
Shiprock Farm Training	(10,683.00)
	5,145.81
	9,917.46
	328,489.22
Reservation Management	(3,463.07)
Development Institute	54,595.58
Institutional Training	245,435.27
Advocates Training Program	26,393.35
Veterinary Paramedic Program	8,452.31
Through Arizona Department of Education:	
Vocational Training NACOG	
Department of Commerce:	
Through Bureau of Indian Affairs	17,785.07
Department of Justice:	
Law Enforcement Assistance Administration:	
Through Arizona State Justice Planning Agency:	
Security Equipment Improvement	3,388.33
Energy Research and Development Administration:	
Through Argonne National Laboratory:	
Navajoland Reclamation Training Program	647.50
	354.10
	4,969.82
National Science Foundation:	
Research Issues	
Briefing Conference for Minority Institutions	51,127.63
	37,503.63
Restructuring the Undergraduate	
Learning Environment	9,567.11
Four Corners Regional Commission:	
Through State of Arizona:	
Grounds Improvement	
Environmental Protection Agency	65,832.78

	Grant Expenditures
FEDERAL GRANTS AND CONTRACTS (Continued)	
National Endowment for the Arts:	
Navajo Bilingual Theater	
Writer in Residence	
Navajo Summer Healing Ceremony	
National Endowment for the Humanities:	
Curriculum Consultants	$ 450.00
Plains Indian Culture Exhibit	3,135.70
Plains Indian Culture and its Relationship to the Navajos	16,632.86
STATE AGENCIES:	
New Mexico Humanities Council:	
Open Forum Meetings	488.99
PRIVATE FOUNDATIONS AND OTHERS:	
Ford Foundation:	
Navajo History Books	10,350.00
Chambers Ranch	
Delta Kappa Gamma:	
G.E.D. Instruction	11,900.00

	Grant Expenditures
PRIVATE FOUNDATIONS AND OTHERS (Continued)	
Argonne National Laboratory:	
Energy and Environmental Science Program	$ 15,198.04
Resources for the Future:	
Navajo Economic Resources Book	2,422.20
	360.42
Navajo Tribe:	
Division of Education:	
Navajo Teacher Education Program	
Miscellaneous Library Donations:	
Library Collections	410.82
STUDENT SCHOLARSHIP GRANTS:	
Department of Health Education and Welfare:	
Office of Education:	
Basic Educational Opportunity Grants	258,848.45
College Work-Study Program	19,518.41
Supplementary Educational	
Opportunity Grants:	
Continuing	4,422.52
Initial	7,460.18
Veterans Program	
Public Health Service:	
Nursing Scholarships	200.00
Department of Interior:	
Bureau of Indian Affairs:	
Indian Student Scholarships	28,385.60
Navajo Tribe:	
Navajo Tribal Scholarships	24,601.20
Miscellaneous Private Scholarships:	49,898.90

APPENDIX C
09/01/78 - 8/31/79

	Grant Expenditures
DEPARTMENT OF HEALTH, EDUCATION & WELFARE:	
Office of Education:	
A.I.H.E.C.	$ 25,255.00
- Title III	303,693.81
Navajo Adult Basic Education	
Cooperative Education	36,212.69
Library Collections:	
Tsaile	580.96
	2,633.19
Shiprock	3,335.96
	1,210.22
Planning Management Evaluation	5,907.26
Office of Bilingual Education:	
Through University of New Mexico:	
UNM-AIBEC-NCC Training	17,870.42
Public Health Services:	120,370.64
Minority Biomedical	25,593.95
Nat. Am. Prof. Health Careers	35,495.11
Through Indian Health Services:	
Humane Officers Workshop	
Through New Mexico Highlands:	
Allied Health Prof. Special Improvement Program	47.00
Through Colorado State University:	3,673.31
Veterinary Aide Program	
Health Manpower Educ. Trng. Prog.	
Reservation Mgmt. Devel. System	
Office of Human Development:	
Child Development Program	113,340.28
Satellite Univ. Affiliated Prgm.	13,083.16
Navajo Rehabilitation Trng. Prgm.	
Department of the Interior:	
Bureau of Indian Affairs:	
Navajo Adult Basic Education	6,080.10
	59,528.87
Assessment of Science/Math	24,490.92
Master Building Plan	
Establishing standards for foster family, group and residential care for Navajo children	29,131.28
	5,778.94
Feasibility Study	1,825.65
Day Care Services	1,808.32
NSC for the Developmentally Disabled	6,023.00
Chinle Agency Assessment	

	Grant Expenditures
Department of Labor:	
Concentrated Employment Training Act	
Through Navajo Tribe:	
Shiprock Farm Training	$ 35,372.93
	117,507.13
	150,264.62
Institutional Training	31,588.46
Advocates Training Program	117,853.74
Veterinary Paramedic Program	32,114.44
Navajo Engineering/Cultural & Career	
Social Service Services Training	
Department of Commerce:	
Through Bureau of Indian Affairs	
Energy Research & Development Administration:	
Through Argonne National Laboratory:	
Navajoland Reclamation Training Program	
National Science Foundation:	
RULE - Restructure the Undergraduate Learning Environment	
Briefing Conference for Minority Institution	44,612.63
	57,747.59
Environmental Protection Agency	9,171.91
National Endowment for the Arts:	
Navajo Bilingual Theatre	
Navajo Summer Health Ceremony	
National Endowment for the Humanities:	
Plans Indian Culture and its Relationship to the Navajos	11,057.40
State Agencies:	
New Mexico Humanities Council:	
Open Forum Meetings	
	1,244.89
	6,824.10
Education Facilities Laboratory	1,000.00

	Grant Expenditures
Private Foundations and Others:	
Ford Foundation:	
Navajo History Books	
Chambers Ranch	$ 1,464.38
Delta Kappa Gamma:	
Argonne National Laboratory:	10,139.67
Energy & Environmental Science Program	(6,338.86)
Environmental Technology Program	2,035.58
Tribal Environmental Training	1,491.38
Energy & Environmental Technology	6,163.94
Navajo Tribe:	
Division of Education:	
Navajo Teacher Education Program	
Vocational Rehabilitation Service:	
State Plan	4,617.17
Through ITC Systems, Inc.	
Energy Resources & Industrial Planning Training Program	117,024.93
Cultural & Career Awareness	24.29
Miscellaneous Library Donations:	
Library Collections	55.05
University of California:	
Los Alamos Scientific Lab:	38,857.34
Navajo Winterization Project	15,456.39
Solar Training & Demo Project	
Arizona Public Service Co.:	393.10
Classroom Equipment	
National Aeronautics & Space Administration:	
Student Scholarship Grants:	
Department of Health, Education and Welfare:	
Office of Education	
Basic Educational Opportunity Grants	292,875.19
College Workstudy Program	41,267.70
Supplementary Educational Opportunity Grants:	
Continuing	7,485.00
Initial	14,003.75
Department of Interior:	
Bureau of Indian Affairs	
Indian Student Scholarships	9,978.50
Navajo Tribe:	
Navajo Tribal Scholarships	60,657.65
Miscellaneous Private Scholarships:	41,923.20

APPENDIX D 09/01/79 - 08/31/80	Grant Expenditures
DEPARTMENT OF HEALTH, EDUCATION & WELFARE:	
Office of Education:	
A.I.H.E.C.	$ 449,117.80
- Title III	131,010.14
Library Collections:	
Tsaile	6,292.09
Shiprock	3,748.14
Cooperative Education	130.39
Navajo Ancillary Educ.	90,633.56
Educ. Oppor. Center	90,783.64
Navajo Rehab. Trng. Program	129,172.86
Navajo Spec. Ed. Support Pers. Trng. Program	1,928.40
Office of Bilingual Education:	
Through University of New Mexico:	
NCC-UNM Liaison	2,841.16
Summer Paren. Trng.	2,129.44
NCC-UNM AGreement	403.92
A.I.B.E.C.	2,201.76
Through New Mexico Highlands:	
Allied Health Prof. Spec. Improvement Grant	.20
Through Chinle Valley School:	
Rehab-Assoc. Degree	32,464.46
Vocational Education	20,975.60
Public Health Service:	
Minority Biomedical	117,238.80
Native American Prof. Health Career	39,394.67
Through Colorado State University:	
Veterinary Aide Program	1,403.18
Office of Human Development:	
UAS Program for the Navajo Nation	181,274.51
American Indian Vocational Rehab-	28,124.61
DEPARTMENT OF THE INTERIOR:	
Bureau of Indian Affairs:	
Navajo Adult Basic Education	55,497.92
Tuba City Therapeutic	78,540.15
Child Abuse Program	3,662.22
Child Care Standards	106,775.52
Assessment of Science/ Math	30,737.77
Master Building Plan	25,000.00
Feasibility Study	18,076.00
NSC for the Developmentall Disabled	4,582.00
Handicapped Children in BIA Schools	9,138.00
DEPARTMENT OF LABOR:	
Concentrated Employment Training Act:	
Through Navajo Tribe:	
Advocate Training Program	46,189.44
Veterinary Training Program	54,151.56
Farm Training Program	110,303.92

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	Grant Expenditures
DEPARTMENT OF ENERGY:	
Alcohol Fuel Workshop	$ 3,608.67
NATIONAL SCIENCE FOUNDATION:	
Briefing Conference for Minority Institution	51,451.66
NATIONAL ENDOWMENT FOR THE HUMANITIES:	
Plains Ind. Culture & its Relationship to the Navajos	82.50
STATE AGENCIES:	
New Mexico Humanities	432.92
New Mexico Employment Security	363.64
ENVIRONMENTAL PROTECTION AGENCY:	63,849.12
PRIVATE FOUNDARIONS & OTHERS:	
Delta Kappa Gamma:	11,776.67
Argonne National Laboratory:	
Energy & Environment Science Program	876.37
Environmental Technology program	50.00
Energy & Environmental Tech.	102.80
Tribal Environmental Program	100.00
Energy & Environmental Tech.	9,778.81
THE NAVAJO TRIBE:	
Vocational Rehabilitation Program:	5,270.91
Through ITC Systems, Inc.	
Energy Resources & Industrial Planning Training Program	10,709.44
Navajo Engineering	5,108.70
Navajo Health Authority:	
Nursing Recruitment Program	5,746.37
Miscellaneous Library Donations:	
Library Collections	131.67
Office of Navajo Economic Opportunity:	
Headstart Program	38,959.73
Clearinghouse:	
University Year in Action	2,277.17
Occupational Therapy Consorsium	3,844.22
National Auronautic Space Administration:	9,991.00
Los Alamo- Scientific Laboratory	
Navajo Winterization Project	37,188.65
Technology Center	8,038.82

Northwestern University:	
Navajo Ethno-Medical	
Encyclopedia Program	18,954.91
Arizona Public Service Company	
Classroom Equipment	4,446.97
	$ 2,167,145.55

Student Scholarship Grants

Department of Health, Education & Welfare	
Office of Education:	
Basic Educ. Oppor. Grant	395,015.63
College Workstudy Program	34,030.88
Supplementary Educ. Opport. Program	
Continuing	4,595.00
Initial	13,397.50
Department of the Interior:	
Bureau of Indian Affairs:	
Indian Student Scholarship	12,291.50
The Navajo Tribe:	
Navajo Tribal Scholarship:	99,746.85
Miscellaneous Private Scholarships:	59,482.00
	$ 2,785,704.91

APPENDIX E 09/01/80 - 06/30/81	Grant Expenditures
DEPARTMENT OF HEALTH, EDUCATION & WELFARE	
Office of Education:	
A.I.H.E.C.	96,153.30
- Title III	20,064.32
Library Collections:	
Tsaile	481.70
Shiprock	2,410.77
Energy Educ. Workshop for Teachers	12,636.10
Navajo Ancillary Education	35,779.57
Navajo Spec. Ed. Support Pers. Training Program	50,583.55
Educational Opportunity Center	44.30
Navajo Rehabilitation Training Program	104,886.71
Special Services for Disadvantage Students	61,305.27
Upward Bound	56,428.78
Navajo Comm. Law Related Education Program	6,983.59
Office of Bilingual Education:	
Through University of New Mexico	
NCC-UNM Liaison	10,421.97
UNM-Summer Parent Training	150.00
Through Chinle Valley School	
Associate Degree	524.03
Vocational Ed.	(4,118.13)
CUS for Excep. Program	3,602.72
Public Health Service	
Minority Biomedical	71,834.84
Nat. Ameri. Prof. Health Career	40,769.97
Nursing Conf. Education on Navajo Nation	63,381.78
Office of Human Development:	
UAS Program for the Navajo Nation	135,410.59
American Indian Vocational Rehabilitation	14,704.17
DEPARTMENT OF THE INTERIOR:	
Bureau of Indian Affairs:	
Navajo Adult Basic Education	40,815.98
Tuba City Therapeutic	86,704.99
Child Abuse Program	292.98
Child Care Standards	40,691.09
Assessment of Scicence/Math	28,394.39
Speech Pathologist	62.16
NCC-1981 Summer GED Program	1,408.00
DEPARTMENT OF LABOR:	
Concentrated Employment Training Act:	
Through Navajo Tribe:	
Veterinary Paramedic Program	913.92
Human Service Employment Training Program	101,278.72
DEPARTMENT OF ENERGY:	
Alcohol Fuel Workshop	5,999.14
Faculty Development Project in Energy	7,251.24
Energy Research & Development Administration	
Through Argonne National Laboratory	
Energey & Environmental Tech.	243.70

	Grant Expenditures
National Science Foundation:	
Briefing Conf. for Minority Institution	28,888.38
National Science Foundation	38,131.07
Environmental Protection Agency:	
Navajo Perception of the Impact Environmental Changes	6,882.51
Navajo Tribe:	
Vocational Rehabilitation Service:	
Vocational Evaluation	11,946.42
Division of Education:	
Public Services	6,103.40
Community Health Representatives Program	
Phase III Curriculum	4,500.11
Navajo Health Authority:	
Nursing Recruitment Program	1,969.31
Maintenance of NHA Media Center	3,065.02
Office of Navajo Economic Opportunity	
Headstart Special Education	78,792.73
University of California:	
Los Alamos Scientific Laboratory	
Navajo Winterization Project	3,733.24
Delta Kappa Gamma	14,423.17
Northwestern University:	
Navajo Ethno-Medical Encyclopedia	28,375.60
National Aeronautics & Space Administration	66.50
Clearinghouse:	
University Year in Action	4,429.59
State Agencies:	
New Mexico Employment Security	(232.50)
New Mexico Humanities	1,034.00
Occupational Therapeutic Consortium:	23,586.89
Council of Energy Resource Tribes	7,152.70
March of Dimes:	
Uranium Waste Exposure	5,296.91
Miscellaneous Library Donations:	
Library Collections	66.00
	$ 1,366,707.26

	Grant Expenditures
Student Scholarship Grants:	
Department of Health, Education & Welfare	
Office of Education:	
Basic Education Opportunity Grants	552,954.84
College Workstudy program	69,684.40
Indonesian	3,591.00
Supplementary Educ. Oppor. Grants:	
Continuing	7,079.25
Initial	13,737.50
Department of the Interior:	
Bureau of Indian Affairs:	
Indian Student Scholarships	13,809.28
Navajo Tribe:	
Navajo Tribal Scholarship	129,524.54
Miscellaneious Private Scholarships:	54,217.02
	$ 2,202,305.09

Mr. SIMON. We thank you.

My apologies for not being here for part of the testimony, and we have to go back for another rollcall vote here.

Let me just touch on a couple of things. Forgive me, but you are talking to someone whose knowledge in your field is extremely limited. I was not on the Special Task Force on Indian Education that helped evolve all of our programs.

The treatment of your college is somewhat different than the others. Do you feel that that should continue? I would be interested in your comments on that.

Mr. JACKSON. Yes, sir. Our population size, the size of the geography that we have to serve, and the facility that we have available there make it different. So we appreciate the fact that we are not held to the formula basis any more or recommended not to be held under the formula basis any more. Funding of Navajo Community College is going to be on a needs basis.

Mr. SIMON. If I may address this question to all of you. You were here when I asked the question about the endowment before. Do any of you have any type of an endowment, or are you looking toward that?

Mr. HONAHNI. The College of Ganado has implemented a funds development program from the private sector, which we hope to use as a part of our endowment. We have contracted with a large firm, Marts & Lundy, out of Kansas City. We have many, many volunteers that we have identified within the United States. We have not actually implemented our funding program per se, but we will start September 1. The planning has all been completed.

We do look in that direction. However, it will be difficult, unless corrections are made to 471 in terms of funding to the schools, because much of the private contributions that come into the College of Ganado are now being used for operational purposes as supplements to 471. It is like treading on some treadmill; we are not getting anywhere because we don't get the appropriate funds through 471 back to our schools.

We hope that with your help, we will be able to set aside some moneys in the very near future. Hopefully by the end of this cur-

rent fiscal year, the College of Ganado will be able to put away its first moneys toward an endowment.

Mr. SIMON. Anyone else?

Mr. JACKSON. Navajo Community College attempted in its early years, and it was not successful because at that time it was a "wait and see" attitude. I would like to say that the Navajo Tribe gave $400,000 to Navajo Community College this summer. Immediately the BIA people told us that since the Navajo Tribe gave us this money, they would withdraw some of their commitments.

So there is a danger. Indeed, we are going to pursue other moneys, but we have to have an assurance that the BIA maintains its level of support.

Mr. SIMON. I am not suggesting that one should supplant the other. What I am suggesting is that we have to make sure that you have an adequate base of support, and then an endowment program can give you, even if it is $10,000 a year in income, or $20,000, that extra little leeway to do some marginal things that you might otherwise not be able to do.

Mr. MCDONALD. We are in the process of establishing that right now. I serve on the endowment foundation for Western Montana College, and we are modeling ours after that one. My assistant right now is in New York City visiting with foundations this week. We hope that we will be able to get off the ground.

Mr. SIMON. Anyone else?

MR. BAD WOUND. We have approximately $220,000 worth of endowment. The problem with that is that we are limited in the specific ways that we can spend that money. We cannot touch the principal, but we may use the interest, which is approximately $20,000 a year.

Beyond that, we are setting up a foundation, and hopefully within the next 2 or 3 years, we will get it off the ground.

Mr. SIMON. Good.

Mr. BALDY. At D-Q University, we have just started the endowment fund. The board of our school, and the staff of our school have been going through endowment fund raising training sessions. We, to date, have only been able to generate—we have only started this within the last 3 months—about $30,000 worth of endowment funding, and we have events planned for the fall, so that we feel that we can generate somewhere between $335,000 and $400,000 worth of endowment money at the beginning of next September. Not this coming September, but the following September.

Mr. SIMON. That would make a real difference in the operation of your school.

Unfortunately, I have this rollcall. What I would like to do, if you still have a little bit of time, is to turn this over to the staff for any questions they may want to get in the record.

I will simply express my interest in being of assistance to you in seeing, No. 1, that your funding will be prompt, that it will be assured, and that we do some things in the reauthorization to get you on a little better fundamental financial footing. Then we can go from there.

I am one of the least knowledgeable people around here about your programs, but I am sympathetic and I want to be of help, and I want to learn. So don't assume any knowledge on my part. If you

are willing to educate me, I am willing to help you, if that is a fair deal.

I thank you very much, and I am going to turn it over to Mr. Blakey of the staff.

Mr. BLAKEY. There is really only one question for which I would like to receive your general response. Then we have a series of questions which we will submit to you; subsequently, you can send them back to us for the record.

I know that some of you individually, in terms of your institutions, have had trouble in the past in terms of applying for other funding under the Department of Education. If each of you could respond, other than your Public Law 471 funds, and any other money you are getting from the BIA in the form of their student assistance programs, or basic grants, but any other student assistance programs out of the Department of Education.

What has been your experience in terms of applying for funding for Department of Education programs that go to every other college and university, and what kind of response or reaction have you received? Have you been successful, or have you been discouraged? You have submitted grants, and you have not received the funding?

Why don't we start down here with Mr. Bad Wound, and then go down the table.

Mr. BAD WOUND. I guess, first of all, when we talk about financial planning at our institution, we put our funding in two categories, one we call the soft moneys, unstable moneys, or whatever name you might attach to it. Of course, the other is stable funding, and that is the kind of money that we like, because you can plan on them from year to year. You can make solid decisions based on those kinds of funds.

Up to this point in time, I guess everything other than the moneys that we have received from the Bureau, including the 638 moneys. At one time we did consider those to be stable until about 2 years ago. Public Law 471 is another source that we consider to be stable.

Everything else, whether it is title III of the Higher Education Act, title IV of Indian education or National Science Foundation grants, we consider to be soft moneys: moneys that you just can't depend on from one year to the next, or to plan on.

The problem with those grants is that they are periodic, and they are kind of sporadic. They operate usually on a year-to-year basis, and you are competing for funds with God knows how many other institutions in the country.

So it is kind of a long-shot, when you submit a proposal for those programs, whether you will get funded or not. Oftentimes, when we submit a proposal for one of those programs, we may not know for 2 or 3 months after our academic year has stated whether or not we got funded at all. If we do get funded, then there is usually a period of negotiation during which we are asked to cut this and to cut that.

So generally speaking, although they definitely help, in the long-run I think the Federal grant programs are definitely an attribute. If we had our way, we would probably use those kinds of programs just simply for supplemental kinds of services.

Mr. MONETTE. To address your question. Generally, the Turtle Mountain Community College has had a very little problem in participating in the Higher Education Act title programs.

When the Tribally Controlled Community College Act was first implemented, about 2 years ago, we had some difficulty with title III of that act, and we felt, after some discussion with other people, that the title III office could have been looking at their funding and the funding that was going to be made available under our act as perhaps duplicating some services.

To an extent, I believe they were correct. We were using our title III moneys for what could be labeled operating type budgets. We were assured after some letters and inquiries that that was not the guess, and that our proposal was just not up to standard. We bought that.

Basically, other than that title III circumstance, we have had pretty good luck with the other higher education programs.

Mr. BORDEAUX. With regard to Sinte Gleska Community College, we have had, I would say, fairly good cooperation from title III. In fact, we have been a title III recipient now for I suppose roughly 7 years, always around the area of $200,000 to $215,000. Frankly, without it, we would not be able to handle it.

In fact, I have always thought that the title III office was certainly more cooperative than, many times, the Bureau of Indian Affairs, particularly with regard to the fact that our own tribe had committed $350,000 under the tribal band, and when 471 came along, the Bureau completely removed the $350,000 without tribal consultation. In my packet, I have a letter that addresses that.

All the officials, all the way from former Secretary Andrus on down, in our correspondence with us, have always made the point that what the Bureau did was wrong, but it is only after much effort that $233,000 has been replaced. The balance has not been replaced to the tribe.

As far as the other higher education funding sources, we compete just like the rest of the schools, and this year we had a total budget, financial aid, everything included, just a shade over $2 million. So we have been fairly successful in obtaining those dollars that we do go after. We wish we were more successful with the BIA.

Mr. JACKSON. We don't have any problem with other sources of funding. We break down our funds in two areas, restricted funds and unrestricted funds. All of the grants that we get from other sources, other than our regular funding, are in the restricted area, so we can only apply it or use it for the purposes for which it was appropriated.

Oftentimes, some of these programs require that it be on a matching basis, probably 8 or 10 percent, so we have to utilize some of our own money to help to bring about these programs. We have over $2.5 million that we use.

Mr. BALDY. In relation to D–Q University, we have not been very successful in securing support from the Department of Education. There are a lot of things that I could go into now, but it would not be appropriate at this time. At the hearings next week, I will be bringing them up. That is my point.

Mr. BLAKEY. Thank you.

Mr. McDONALD. We have had success with the Department of Education with programs that are earmarked for Indians, the 1 percent set-aside, the title IV. We have had some success and we are going to get a minority institutional improvement grant.

Title III, of course, was our startup money. We did not, however, get refunded this year. We have tried some FEPSI grants yearly, and one time we made the semifinals. Additionally, we have tried ethnic heritage, and we have not been successful.

We did get a grant from the Endowment for the Arts, which was a vital grant for us. Our other funds have been primarily 93-638 funds, CETA money, tribal funds, and community development block grant money.

Mr. HONAHNI. The College of Ganado has been very calculating in terms of who they approach for funding. We have learned from a long time back that dependence on unstable, soft moneys from the Federal Government can be disastrous after a period of time, particularly when a school gets used to receiving certain funds. When it is cut off, the college goes down the drain.

So we have been very calculating. We get support from 471 and also title III. Those are the only two that are stable forms of assistance to the college at this particular time, although we get small contracts and so forth.

Our basic emphasis is on the development of our auxiliary programs at the college: auxiliary programs through student tuition and fees, through our bookstore, through our food services, and through our publications office.

We self-perpetuate our own funding system there, so that we will become, hopefully in the future, stabilized. These are hard moneys that we look at, that we develop on our own.

I feel that if we did go out into the field, and had to be competitive like other schools, we would be successful. I think we have got the necessary competent staff, and our program is such that we would have no problems.

We have not had any problems, but as I said, we are calculating as to which program to approach and how to approach it. We are not wanting to exceed the process because we don't want to find ourselves in a shortfall at some particular point in time, particularly with the future funding pattern as it is currently.

Mr. BLAKEY. Thank you.

Ms. BRAND. I just have one quick question, and it relates to something that Mr. Jackson said in his testimony, that he had approximately 80,000 potential students. I was just wondering if any, or all of you, could comment on what you see as the potential students of the populations that you serve, whether it would be 100 potential students or whether it would be a very large number.

Mr. HONAHNI. Let me point out the position of the College of Ganado.

I am not totally concerned about what the numbers are in terms of potential students. Our objective at the college is not to expand too much beyond, say, 300 to 400 students, or so, on our campus. It is all we can accommodate on our campus.

Our concern is the quality of what we do at that school and what we are able to market. Our market objective is to provide high standard academic courses to which people who wish good, strong,

basic development will want to go to the College of Ganado, and we could be selective in the kinds of people that will be coming to the College of Ganado at some point in time.

The potential students are always great, but I think the only thing I ever look at is does that person want a strong academic background, if so, then the College of Ganado is the place for them to go.

Mr. McDONALD. We have a resident Indian population of about 5,000, 3,500 enrolled in our tribe that live there, and about 1,500 other Indian people from other tribes. We look at that as our population, and what percent, perhaps half, that we could reach.

We have had the same dropout problems in school throughout. One of our graduates this year, that we particularly honored at our graduation, is the mother of 11 children. Four of her children have college degrees. As a single head of the household she has managed that every one of her children graduated from high school.

She, back in the 1930's, finished the fifth grade. This year she got her GED, and we are looking forward to her enrolling in college. She was in this week getting her financial aid application ready, and she may be 58 or perhaps 60 years old.

So we don't know what our potential is. We have the tribal cultural committee, and one of the ladies was in her late seventies, and she participated in the Endowment for the Arts program.

Mr. BALDY. I don't know exactly what our potential is. I do know that in terms of the Indian population in California, it is approximately 201,000, which theoretically is supposed to be the largest concentration of Indians in any State. However, in California they are spread out all over the State.

I think that we have a large potential, but in terms of what we can realistically handle is limited by our current facilities which consist of surplus property. Without facility funding, D–Q University is projecting a maximum enrollment for our college, FTE enrollment, of somewhere around 300.

Mr. JACKSON. I have already submitted my estimate.

Mr. BORDEAUX. To reiterate ours, I mentioned that we have somewhere between 12,000 to 14,000 enrolled, and we have about 3,500 in elementary and in secondary programs, and I suppose we are graduating probably close to 200 Indian seniors annually. Sixty-five percent of our reservation population is under the age of 18, so potentially we are really looking at an influx.

We don't really beat the path for recruitment. We just don't have the facilities. If we went out and recruited, we could really fulfill the 471 purposes, but on the other hand we would be defeating our purpose of providing the type of education that we want to provide. So we don't really get into recruitment that much.

Mr. MONETTE. I kind of feel the same way as some of the comments that were presented.

To determine potential enrollment, a lot depends upon the mission of the institution. If you are a community college, a junior college, a 4-year school, or a university, that dictates who you are trying to serve traditionally.

We are a community college, so in that respect our potential enrollment reaches beyond the liberal arts. It reaches into the com-

munity. Once you get into the community, you try to include everybody in your programs.

If we are going to speak of liberal art students, one formula that was presented to me earlier was to take about 10 percent of the service area population. The service area population of our institution is around 15,000 individuals, of which about 10,000 are Indians. So looking at that, we could say that the potential liberal art student population would be around 1,500 students. There, again, it is a restricted definition.

Mr. BAD WOUND. At Oglala Sioux Community College about a year ago, we sat down and asked ourselves that very question. I think at that time we identified approximately 300 students that we felt were still seeking some type of training that we should entice into attending our institution.

Some of these students either had taken a break from school, some of them were transferring directly out of high school to institutions outside the reservation, and some were just simply thinking about some type of training beyond high school.

Contrary to what the other institutions have stated, we are interested in those students on the Pine Ridge, and right now we are looking at ways of enticing those students into our college, possibly for us to serve as a bridge to 4-year colleges or universities and to play more of a role in that sense.

In that regard, we are going through a lot of staff development, training our instructors, our counselors, and generally our whole staff to step up our recruiting efforts, to look at new ways of attracting students to our institution, and also by upgrading the skills of our instructional personnel to provide better and more quality types of courses, so that we can become attractive to those students.

Mr. BLAKEY. Let me try to close. There are three things I want to mention.

I do want to mention, one, that part of the reason that I asked the question about your experience in terms of dealing with the other grant programs, is because the title III program is being changed. There may be some reason for you to feel encouraged.

The set aside for community colleges is increased in the new law which will be effective for the funding year, next year.

Second, also, you will remember that Chairman Simon raised with you the funding question, and your pursuit of an endowment. The new challenge grant section also offers you the opportunity, especially for those of you who have already begun to raise some independent money, to get that money matched with funding under the challenge grant section.

There are also several statements that were presented, which we want to have entered in the record right after your presentation.

There are statements from Standing Rock Community College, the Lummi College of Fisheries, and also a statement from Ms. Phyllis Howard of Fort Berthold Community College. We will insert those in the record.

Since there are no members here, I would like to thank you. I am sure that Betsy would like to thank you for joining us this morning. The statements were excellent. I know that we had a little bit of trouble scheduling it, in order to accommodate you and

your meetings. I hope that the rest of your meetings will go as well.

Thank you again for being with us. We will submit some questions to you for the record, and we encourage you to respond. If there are any other colleges that did not submit a statement today, or did not present testimony, and do want to submit a statement, we will be more than happy to see those, and they will be included in the record as well.

The subcommittee will stand in recess.

[Whereupon, at 12:15 p.m., the subcommittee recessed, subject to call of the Chair.]

[Material submitted for inclusion in the record follows:]

OFFICE OF THE PRESIDENT

August 11, 1981

Mr. Paul Simon, Chairman
Subcommittee on Postsecondary Education
Committee on Education and Labor
House of Representatives
320 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Simon:

First, let me express my appreciation for the opportunity to participate in the July 23 oversight hearing on the "Tribally Controlled Community College Assistance Act" (P.L. 95-471). It was a welcome chance to share our experiences and needs with you.

I shall try to respond to your request for further information as fully as possible. In answer to the first request, for financial information, I have attached "source of revenue/percentage of total" charts for FY 1978-1980 to this letter. Our FY 1981 records are being audited at the moment, and all this information is in the auditor's office. We will send the chart for FY 1981 to you as soon as we receive the completed audit (within the next two weeks). I hope these charts give you the necessary statistics.

As to the second request, for comments on the establishment of a data collection system, I can only say that The College of Ganado has never been approached for participation in the establishment of such a system. As we feel it would be helpful to have access to such information about the schools which qualify for assistance under P.L. 95-471, in order to compare ourselves to other schools and ultimately to share ideas and methods cooperatively among the schools, we would be happy to participate in such a system. Being able to measure our operation against other colleges with common needs and purposes would be most beneficial.

One further point I should like to make is to a specific reason The College of Ganado is most anxious that funding under P.L. 95-471 continues--as you can see from the revenue charts attached, we do have a substantial amount of private gifts coming in to our school. We have always had to use those gifts to meet day-to-day operating expenses. Our goal is to be able to put a share at least, of those gifts into an endowment fund which will help pave the way toward College self-support in the future. The only way that goal can be realized is if we have access to operations funding such as P.L. 95-471 over the next few years.

Thank you again, and please let me know if we can provide further information or can be of any other assistance.

Sincerely,

Dr. Daniel Monahni
President

Enclosures

THE COLLEGE OF GANADO

INSTITUTIONAL REVENUE - ALL SOURCES
WITH PERCENT OF TOTAL

Fiscal Year Ending June 30, 1980

Tuition and Fees	$ 164,752	9%
Governmental & private grants & contracts:		
Title III	211,304	11%
Special Services for Disadvantaged Students	69,932	4%
National Science Foundation	62,236	3%
CETA	104,687	6%
Cooperative Education	20,154	1%
Student Financial Aid	143,006	8%
P.L. 95-471	231,000	12%
Other	343,750	18%
Private gifts & grants	167,323	9%
Other Sources	45,141	2%
Auxiliary Enterprises	300,274	16%

THE COLLEGE OF GANADO

INSTITUTIONAL REVENUE - ALL SOURCES
WITH PERCENT OF TOTAL

Fiscal Year Ending June 30, 1979

Tuition and Fees	$ 166,699	11%
Governmental & private grants & contracts:		
Title III	188,800	12%
Special Services for Disadvantaged Students	62,822	4%
National Science Foundation	88,915	6%
CETA	290,415	19%
Student Financial Aid	119,991	8%
Other	32,894	2%
Private gifts & grants:		
UPC/USA	116,000	8%
Other	116,562	8%
Other Sources	44,047	3%
Auxiliary Enterprises	315,954	20%

THE COLLEGE OF GANADO

INSTITUTIONAL REVENUE - ALL SOURCES
WITH PERCENT OF TOTAL

Fiscal Year Ending June 30, 1978

Tuition and Fees	$ 209,707	12%
Governmental & private grants & contracts:		
Title III	189,022	10%
National Science Foundation	9,379	1%
CETA	539,688	30%
Student Financial Aid	124,998	7%
Other	34,062	2%
Private gifts & grants:		
UPC/USA	215,060	12%
Other	103,480	6%
Other Sources	31,636	2%
Auxiliary Enterprises	364,425	20%

Turtle Mountain Community College
P. O. Box 340
BELCOURT, NORTH DAKOTA 58316
TELEPHONE (701) 477-5691

September 22, 1981

SEP 28 1981

Honorable Paul Simon
U.S. House of Representatives
320 Cannon House Office Building
Washington, D.C. 20515'

Dear Representative Simon;

Please accept the following information as part of the testimony presented at the oversight hearings on the "Tribally Controlled Community College Assistance Act" (P.L. 95-471). I am very sorry for the delay. The same information should be forthcoming from Standing Rock Community College, Fort Berthold Community College and Little Hoop Community College.

I. BUDGETS

TURTLE MOUNTAIN COMMUNITY COLLEGE
BUDGET SUMMARY

	1977-78	1978-79	1979-80	1980-81	PERCENT OF TOTAL FY 81 BUDGET
P.L. 95-471	-0-	-0-	316,000	*481,444	51%
Title III	211,000	210,000	200,500	-0-	
Voc. Ed. Act (1%)	-0-	94,834	135,550	166,483	17%
BIA/Snyder ACT	42,000	108,319	108,317	80,500	8%
BIA/ABSE	14,900	26,500	30,634	34,000	3%
Foundation Scholarship	2,000	4,000	4,000	4,000	.0042
Indian Health	-0-	-0-	-0-	20,200	2%
Special Services	-0-	-0-	-0-	35,887	3.8%
Tuition Fund	-0-	-0-	60,000	95,785	10%
Nat'l Science Found.	52,663	52,663	-0-	-0-	-0-
State ABSE	-0-	13,120	16,223	15,444	P.6%
	$322,563	$509,436	$870,674	$933,743	

* For 1980-81 P.L. 95-471 was received based on 159 FTE at a rate factor of $2870.46939

II. DATA COLLECTION SYSTEM

The Tribal Colleges have had very little influence over the Interiors responsibility to create a Data Collection system for our schools. The "system" has probably been shelved for a number of reasons. First of all it is evident that the Bureau has neither the manpower nor the expertise to implement the data collection system. Also, if such a system were implemented at this point in time, and if data were gathered from all Indian Colleges, the Bureau would uncover huge differences between the cost of operation and maintenance for Tribal Colleges funded under P.L. 95-471 and those Indian colleges such as Haskell, SIPI and AIAI which are funded through other funding systems.

Such a system would be useful for our institutions as well as for the Bureau of Indian Affairs. In addition, other funding and reporting agencies would find the information useful.

The system, when developed by Interior, will be useful for the American Indian Higher Education Consortium (AIHEC) which is the organization that represents all Tribal Colleges. It will allow for the coordination of all areas of college operation and development. Another use would be for Indian Tribes who are considering Tribal Colleges of their own.

The Turtle Mountain Community College implemented its own Data Collection System during the 1980-81 school year. This system which has been programmed into a computer available through the local school district has allowed us to better understand our students and the people of our service area.

We are still experimenting with the system. As we become more familiar with it we will be better able to program and retrieve information which will help us with our plan for institutional growth and development.

Thank you,

TURTLE MOUNTAIN COMMUNITY COLLEGE

Gerald "Carty" Monette
President

GCM/bd

STANDING ROCK COMMUNITY COLLEGE
FORT YATES, NORTH DAKOTA 58538

Standing Rock Community College
Fort Yates, ND 58538
Phone: 854-3861

Bismarck Junior College
Schafer Heights
Bismarck, ND 58501
Phone: 258-4707

Congressman Paul Simons
Committee on Education and Labor
Sub-Committee on Postsecondary Education
328 Cannon House Office Building
Washington, D.C. 20515

Congressman Simons:

Mr. Gerald Monette, President of Turtle Mountain Community College, recently informed me that you have requested information concerning our fiscal operations and our need for an institutional data system for all Tribally Controlled Community Colleges.

We are pleased to comply with this request and to provide any other information you may need.

Thank you for your efforts in behalf of Indian Controlled postsecondary education.

Sincerely,

Jack Barden

Jack Barden, Director
Research and Program Development
Standing Rock Community College

STANDING ROCK COMMUNITY COLLEGE
FISCAL DATA AND DATA SYSTEM RESPONSE

The table on the following page provides information about sources of funding, amounts from each source and the percentage of the total budget of Standing Rock Community College provided by each source for fiscal years 1978, 1979, 1980 and 1981. Fiscal years are defined as July 1 through June 30 of each calendar year. Some grants and/or contracts appear to be out of proportion. This stems from the fact that many federal funding periods do not coincide with July-June fiscal cycle. For instance, over the years, Title III grants have run from August to September. The figures under each fiscal year are derived from prorating grant amounts into fiscal years in which the money was actually received.

Percent of contribution from each source can be seen to vary considerably from year to year. Also, percentages do not total exctly 100% due to rounding particlarly in the small contributors.

BREAKDOWN OF FUNDING BY SOURCE
FOR FISCAL YEARS 1978, 1979, 1980 AND 1981
STANDING ROCK COMMUNITY COLLEGE

AMOUNT AND PERCENT BY FISCAL YEAR (JULY 1 - JUNE 30)

	FY 1978		FY 1979		FY 1980		FY 1981	
Revenue Source	AMOUNT	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
PL 95-471	----------	--	----------	--	$222,000.00	20	$539,685.00	59
Title III (HEA)	$238,248.00	38	$248,868.00	30	$240,885.00	21	$ 66,351.00	7
Title II a (HEA)(LIBRARY)	----------	--	$ 3,000.00	.4	$ 3,963.00	.3	1,900.00	.2
Title IV (Ind.Ed.ACT)	$273,330.00	43	$338,849.00	4	$361,622.00	32	----------	--
Special Services (HEA)	----------	--	----------	--	----------	--	$ 27,000.00	3
FIPSE	----------	--	$ 61,161.00	7	$ 41,500.00	3	$ 41,163.00	5
NSF	----------	--	$ 45,039.00	5	$ 68,900.00	6	$ 57,000.00	6
State Vocational	$ 10,664.00	2	$ 8,509.00	1	$ 20,818.00	2	$ 21,336.00	2
State Adult Ed.	$ 6,540.00	1	$ 7,200.00	1	$ 6,900.00	.6	$ 7,920.00	.9
PL95-471(T&TA)	----------	--	----------	--	----------	--	$ 34,820.00	4
Tuition	$ 52,556,00	8	$ 33,107.00	4	$ 45,793.00	4	$ 49,181.00	5
Rental	$ 17,426.00	3	$ 45,985.00	6	$ 54,685.00	5	$ 38,024.00	4
Indirect Cost Rev.	$ 6,839.00	1	$ 25,180.00	3	$ 41,329.00	3	$ 4,634.00	.5
Fees	$ 2,770.00	.4	$ 1,785.00	.2	$ 1,990.00	.2	$ 2,365.00	.3
Humanities Council	----------	--	$ 1,941.00	.3	----------	--	----------	--
Miscellaneous	$ 3,237.00	.5	$ 5,594.00	.7	$ 22,729.00	2	$ 16,834.00	2
CETA	$ 20,580.00	3	$ 9,403.00	1	$ 6,407.00	.6	$ 2,747.00	.3
TOTAL.....	$632,190.00		$835,621.00		1,139,521.00		$910,960.00	

STANDING ROCK COMMUNITY COLLEGE
FISCAL DATA AND DATA SYSTEM RESPONSE

The questions of the data system required by Title I of P.L. 95-471 is an important one. Uniform statistics have been extremely difficult to obtain across all colleges. As stated in the law, the Secretary is responsible for the establishment of a data system.

In our opinion, one reason for the failure of this portion of the required activity is that the Bureau of Indian Affairs has had little experience with higher education other than grants to students given this fact, much of their statistical effort is not in line with accepted practice of the higher education community. That is, the Bureau's budget categories do not line up with common practice and other Bureau data categories do not line up with HEGIS.

A system based on best practice could be of substantial benefit to Standing Rock Community College and the other tribally controlled colleges. Many of the colleges, Standing Rock included, are developing data systems to help us understand ourselves better so that better decisions can be made. Each college has unique needs for data; however, there are a large number of data elements common to Indian postsecondary education as a whole. Accurate data on these common elements could be a great help in presenting ourselves to others.

A further benefit that could be derived from a good data system is that a well-designed system would channel data collection energy into some useful areas. That is, rather than the random efforts to collect data on this or that topic as it arises, a coherent set of data elements would encourage the regular and systematic collection of data on needed topics.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:
Education Code 505

Received Aug. 3, 1961.

JUL 30 1981

Mr. Elgin Bad Hound
President
Oglala Sioux Community College
Kyle, South Dakota 57752

Dear Mr. Bad Hound:

The FY 1981 appropriations received for operational grants to Tribally Controlled Community Colleges have been ratably calculated and distributed to these colleges eligible for such monies. However, the discovery of a change in the total number of Full-Time Equivalent (FTE) Indian students, after the payments were disbursed, has resulted in over-payments to most colleges. Oglala Sioux Community College was an exception in that the college did not receive their entitled amount. Adjustments on these payments will be made on the initial payment in FY 1982.

Our calculations were based on 190 FTE students and the pro rata factor of 2870.46930. Oglala Sioux Community College was eligible for a total grant of $809,472.14 for FY 1981. The college has been paid $608,225.03 in FY 1981 which was an underpayment of $180,977.36 to be adjusted on the initial payment in FY 1982.

We urge you to consider this forthcoming adjustment when projecting your budget for the next fiscal year.

Thank you for your cooperation. If you have further questions on your grant awards, please contact Donald Standing Elk at FTS 343-7387.

Sincerely,

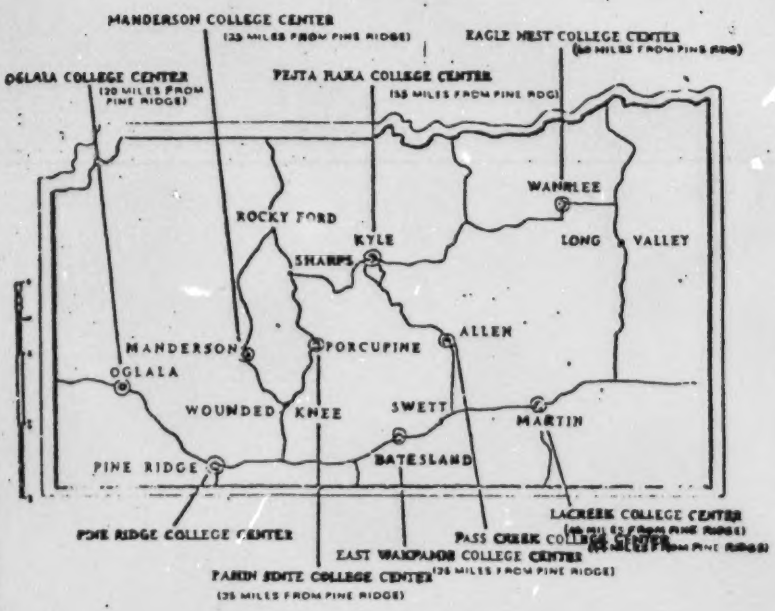
Earl J. Barlow
Director, Office of Indian
Education Programs

OGLALA SIOUX COMMUNITY COLLEGE

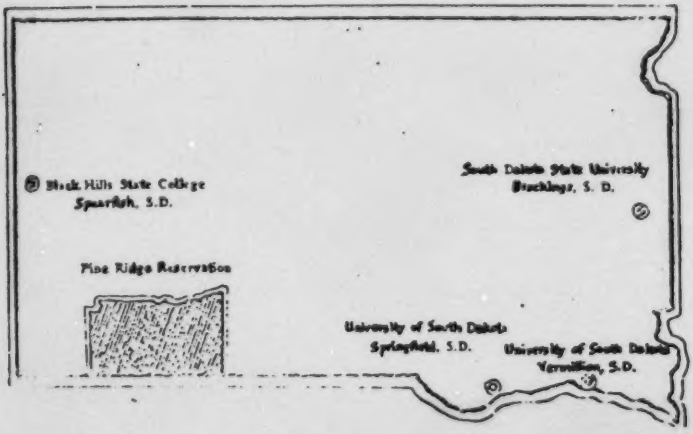
ENROLLMENT DATA CHART

TERM	TOTAL ENROLLMENT	TOTAL CREDITS	TOTAL FTE
Spring 81	587	4527.5	377.0
Fall 80	474	3735.0	311.0
Spring 80	513	3296.0	274.6
Fall 79	529	4148.0	345.6
Summer 79	83	363.0	60.5
Spring 79	518	4649.0	387.4
Fall 78	319	3416.0	284.8

PINE RIDGE RESERVATION



SOUTH DAKOTA



OGLALA SIOUX COMMUNITY COLLEGE
Funding Information Chart

Source	FY '78	%	FY '79	%	FY '80	%	FY '81	%
P.L. 93-638 B.I.A. Higher Education 2/	315,369	(26)	390,269	(24)	367,777	(16)	175,277	(7)
P.L. 93-638 B.I.A. Adult Education 2/	118,093	(10)	122,528	(7)	139,652	(6)	107,835	(4)
P.L. 93-638 B.I.A. Ag/Homeliving Extension 2/	77,565	(6)	102,979	(6)	102,646	(4)	-0-	
Title III - Bilateral 1/	223,115	(18)	220,714	(13)	216,000	(9)	254,000	(10)
Right-To-Read 1/	56,270	(5)	77,839	(5)	82,657	(4)	-0-	
Vocational Education 1/	-0-		170,844	(10)	189,972	(8)	246,243	(10)
Title IV - Part C/Life Coping Skills 1/	-0-		86,799	(5)	109,105	(5)	119,988	(5)
Fund for Improvement of Post Secondary Education (FIPSE) 1/	45,019	(4)	-0-		-0-		-0-	
Public Health Services 2/	47,456	(4)	-0-		-0-		-0-	
Health Resources Administration (H.R.A.) 1/	108,000	(9)	108,000	(7)	-0-		-0-	
National Science Foundation (NSF) 1/	20,000	(2)	116,575	(7)	60,245	(3)	63,536	(2)
State Adult Basic Education 1/	12,000	(1)	12,000	(1)	12,000	(1)	16,000	(1)
Indian Health Service (I.H.S.) 2/	-0-		94,880	(6)	-0-		32,000	(2)
Survey of Indian Adult Learners Cognitive Style 1/	-0-		-0-		37,126	(2)	-0-	
Special Services 1/	-0-		-0-		-0-		66,468	(3)
P.L. 95-471	-0-		-0-		833,703	(37)	702,204	(29)**
Basic Skills 1/	-0-		-0-		-0-		141,344	(6)
Bilingual-Bicultural 1/	-0-		-0-		-0-		107,584	(4)
Library Resources 1/	-0-		-0-		-0-		1,600	(0)
WILMS Endowment	25,974	(2)	21,933	(1)	21,592	(1)	24,775	(1)
Tuition	163,369	(13)	129,124	(8)	90,000	(4)	*	
Indian Action	-0-		-0-		-0-		398,565	(16)
	1,212,230	(100)	1,654,434	(100)	2,262,475	(100)	2,458,420	(100)

1/ competitive, categorical programs
2/ subject to Snyder Act appropriations
* not available this date
** underfunded by $180,977 due to miscalculation in FTE by BIA

AUG 24 1981

Sisseton-Wahpeton Community College

Box 208, Sisseton, South Dakota 57262 Telephone 605/698-3611 Extension 198

698-3966

August 19, 1981

The Honorable Paul Simon, Chairman
House Subcommittee on
Post Secondary Education
227 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Simon,

Thank you for the opportunity afforded tribally controlled community colleges to express our concerns on P.L. 95-471 in the oversight hearings held on July 23, 1981. You indicated during those hearings that you would arrange a meeting between representatives of the community colleges and upper level BIA staff. This meeting occurred on August 7, 1981, and was attended by the Chairman of our Board of Trustees, Robert LaFromboise. The primary outcome to date has been a request from Lincoln White of the BIA for yet another statement of our situation. I am enclosing a copy of that statement and a copy of our previous correspondence on these issues. In addition, I am enclosing a copy of a recent paper by Michael Olivas on the Bureau's overall conduct of the 95-471 operations.

The BIA still does not appear interested in acting on our problems or even providing written answers to our inquiries. I have contacted the South Dakota congressional delegation, and they, too, seem to be unable to get satisfactory action for the Bureau. I would appreciate greatly anything you might do to assist us.

Yours sincerely,

Schuyler Houser
President

Sisseton-Wahpeton Community College

Box 208, Sisseton, South Dakota 57262 Telephone 605/698-3911 Extension 199

698-3966

August 19, 1981

Mr. Ken Smith
Assistant Secretary for Indian Affairs
Department of the Interior
18th and C Streets N.W.
Washington, D.C. 20240

Dear Mr. Smith:

This letter is a follow-up to the meeting on August 7, 1981 attended by Robert LaFromboise, Chairman of our Board of Trustees, Lincoln White and Roy Sampsel of the BIA and representatives of other tribally controlled community colleges and the American Indian Higher Education Consortium. I will attempt to summarize our concerns.

1. Mr. LaFromboise carried with him four documents, each received from the BIA: the last three notified us of reductions in our 1981 grant award. The total of these reductions exceeds $60,000, or more than one-fourth of our entire budget for the year. We based our planning, hiring, and academic calendar around the original budget amount and payment schedule. As the result of the BIA's actions, SWCC is without funds to start our fall term. We are not the only institution in this situation. The intent of Congress in passing P.L. 95-471, and expressed in the hearings prior to passage, was to establish a stable financial base for tribally controlled community colleges. Because of the actions of the Bureau within the last five months - not to mention the management in F.Y. 1980 - the intentions of Congress have been violated, and the continued operation of our institution is severely jeopardized. We have no other source of funds on which to fall back. We urgently request that these funds, or even a portion of them, be restored immediately.

2. No coherent explanation was sent to justify any of the reductions in our grant. If the cuts resulted from some action on our part, we deserve and require some explanation, so that no repetition occurs. If, on the other hand, the reasons for these cuts do not rest with SWCC, we need to know this as well. The consequences of your agency's silence on this point have been exceptionally destructive. Colleges have begun to suspect each other as the recipients of funds on questionable grounds. It seems unlikely that the Bureau in this case, has adopted the classic

set-the-tribes-against-each-other strategy. But that, unfortunately, has been the result of your silence on these issues. We request, therefore, a complete explanation of the decisions which have been made during this fiscal year. We request, likewise, that the procedures used in determining grant awards to colleges and to BIA staff in Washington to whom we address our questions. Finally, we request that colleges be notified in advance of any changes in sizes of grants or procedures in calculating them. There appear to be discrepancies between procedures established in the rules and regulations for P.L. 95-471 and existing practices in the BIA. We request that these discrepancies be explained and resolved.

3. Well over half, that is $325,000, of the $600,000 in technical assistance monies appropriated for 1981 out of P.L. 95-471 monies were used by the BIA for purposes clearly illegal under the language of the law. As a result, the monies available to eligible schools were sharply reduced. SWCC is seeking candidacy status from the North Central Association of Schools and Colleges. We need technical assistance and the funds to pay for it. We request that these funds be replaced, and that the additional assistance be made available to the colleges as soon as possible.

4. The decisions of your agency have, this summer, deprived SWCC of start-up funds for the fall and made a shambles of our budgeting and planning procedures. If the first payment of F.Y. 1982 is not made promptly at the beginning of October, we will have no alternative but to suspend operations. It is my understanding in discussions with our congressional delegation, that a first payment can be made even if the Department of the Interior budget is functioning under a continuing resolution. We therefore request that the first payment for F.Y. 1982 be made at the beginning of the fiscal year.

I feel as if I must apologize for the tone of this letter. It is not our intention to be demanding or shrill, nor to accuse individuals or agencies in the absence of strong evidence. We feel, however, that the evidence in this situation is clear, not only to us but to independent observers in the press and the larger educational community. We have been unable for months to get sensible answers to legitimate questions, even when those questions are forwarded by our Senators. As a result, this institution is in jeopardy and we are exasperated. We appreciate the help and concern of those people in the BIA who have been concerned and who have given straight answers. We intend, however, to continue to press for responsible administration of P.L. 95-471 until SWCC is afforded the stable support which Congress intended.

Yours sincerely,

SoH

Schuyler Houser
President

cc: Mr. Lincoln White
Mr. Roy Sampsel

PREPARED STATEMENT OF MICHAEL A. OLIVAS, LULAC NATIONAL EDUCATIONAL SERVICE CENTERS, WASHINGTON, D.C.

THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT: THE FAILURE OF FEDERAL INDIAN HIGHER EDUCATION POLICY

The Tribally Controlled Community College Assistance Act of 1978 (TCCCAA), P.L. 95-471, was a noble attempt to provide resources to Indian tribes for establishing and improving tribal colleges. However, two and one-half years after enactment, fewer than half of the twenty tribal institutions have received operating grants from the Act. This inability to provide resources has been a result of several factors, including the impoverished condition of the colleges, design flaws in the Act, and bureaucratic delays in the Bureau of Indian Affairs, the Office of Management and Budget, and the Department of Education. This article proposes to examine these three concerns, and to analyze how each has prevented fuller participation by tribal colleges in the Act. Each provision of the Act will be examined against the three criteria (institutional characteristics, legislative provisions, bureaucratic implementation); the legislative history and hearing record are also examined to determine the extent to which the Act has fully complied with congressional intent. Finally, recommendations will be made to improve the Act and its administration. This final stage is particularly important, for it is the complex eligibility procedures that, in the main, have caused the delay.

The Condition of Indian Colleges

The historical development of higher education for Indians can be characterized as a record of majority dominance, paternalism, religious evangelism, and neglect. Although several prestigious colleges founded during colonial times (e.g., Harvard, Dartmouth,

Columbia) had missions that included instructing Indians, few Indians were educated in these institutions (Van Amringe, 1904; Rudolph, 1962). Indeed, the founder of Dartmouth perhaps typified the colleges' view of educating Indians when he said of one of his students, "I have taken much Pains to purge all the Indian out of him, but after all a little of it will sometimes appear" (Rudolph, 1962, p. 104).

Sheldon Jackson College was founded for Alaskan Natives in 1878 by the United Presbyterian Church. "Indian University" was founded by the American Baptist Church in Tahlequah, Creek Nation in February, 1880; it moved in 1885 to Muskogee (now Muskogee, Oklahoma) and became known as Bacone College. In 1887, North Carolina established a normal school for Indian students; it became a college in the 1930's and it offered its first degree in 1940; in 1969 it became Pembroke State University, which in 1978 still enrolled over 20% Indian students. No additional efforts were undertaken to establish Indian colleges until the 1960's. What federal efforts were aimed at assisting Indians to attend college consisted of establishing normal schools (including Carlisle and Haskell high schools), providing boarding or reservation schools, arranging special contracts with mission schools or black normal schools (e.g., Hampton Institute), and by funding scholarships for the few Indian college students to attend majority institutions (Chavers, 1974; Olivas, 1981). In 1966, BIA officials began to plan for federally-sponsored Indian college, when studies were begun to extend Haskell Institute's high school program into a junior college, offering the first two

years of a college curriculum; this effort took four years, resulting in Haskell Indian Junior College becoming accredited in 1970. Other BIA-administered colleges include the Institute for American Indian Arts, which in 1968 became the postsecondary extension of the Santa Fe (NM) Indian School; and the Southwestern Polytechnic Institute, established in Albuquerque in 1973.

In addition to state-established and BIA colleges, and religious-affiliated colleges, a fourth category of Indian colleges was established in 1968, when Navajo Nation began Navajo Community College. This has become the most fruitful method of establishing Indian colleges, as more than a dozen tribes have established tribal colleges with Indian community boards of trustees. Although Navajo Community College was initiated as an independent tribal institution, the smaller tribes have established a fifth type of institution: affiliating themselves with larger, accredited colleges, either as branch campuses or extension centers of majority institutions. In this manner, a public institution such as Oglala Sioux Community College evolved from its original affiliated status with Black Hills State College and the University of South Dakota into a preaccredited candidate for formal accreditation in its own capacity; Sinte Gleska College, a private institution, has also moved from its ties to Black Hills and the University of South Dakota to similar preaccredited status. The Lummi tribe has an arrangement with Whatcom Community College in Bellingham, Washington, to offer a degree in aquaculture (fishery management), with technical courses taught on Lummi Island, and the certificate awarded by the mainland campus. Through these creative means, Indians have begun to organize and administer tribal colleges and Indian institutions.

Drawing from several sources, a list of Indian institutions such as Table 1 would necessitate as many footnotes as entries: Pembroke State University, founded for Indians, today enrolls approximately 20% Indians; in this regard, Pembroke resembles three formerly-black, now predominantly-white, colleges -- Bluefield State College, Lincoln State University, and West Virginia State -- that are considered "traditionally black," with an asterisk (Turner and Michaels, 1978, p. 2). Currently, no Indians sit on the Pembroke Board of Trustees (Locke, 1978, p. 242). The relative recency and dependency upon majority institutions, however, has stifled the development of Indian colleges, for demographic and political reasons. Sadly, the status of many of these institutions is uncertain, and the list is fluid; in particular the rural isolation, lack of property tax bases, and benign neglect by government have stunted the growth of Indian colleges.[1/]

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Vine Deloria has noted that congressional hearings and legislation on Indian issues often must wend their way through a protracted process, and even when legislation is enacted, it frequently does not remedy the problem (Deloria, 1978). In Indian education, the extent of poverty and illiteracy is so extraordinary that only comprehensive economic and education legislation can begin to reorganize or refocus federal and state programs to serve Indian communities. It was in recognition of the severe

problems facing Indians in higher education that Congress began to draft legislation for Indian colleges in 1975, when S. 2634 was introduced in the first session of the 94th Congress (6 November 1975). The legislative history encompasses several versions of the bill, which was signed into law on October 19, 1978, nearly three years after it had first been introduced (Appendix A).

One recognition of the special nature of these colleges was congressional intent to make grants for general operating expenses (Sec. 102). This type of grant, with its unrestricted nature, is unusual, for most federal higher education institutional grants are of the categorical or restricted nature, tied to narrow, specific program purposes. Apart from "indirect cost" allowances, which are individually negotiated between institutions and agencies and can be spent for general operating purposes, the only major postsecondary institutional grants program is Title III of the Higher Education Act, the Strengthening Developing Institutions program,[2/] a program that targets development resources implicitly at minority institutions, particularly black colleges (Morris, 1980; Olivas, 1981). Because Indian colleges are heavily reliant upon majority institutions, and because the Title III staff have repeatedly shown themselves to be insensitive to Indian concerns (Middleton, 1980; Chavers, 1981), Indian colleges receive a disproportionately small share of Title III funds. In the 1979 program, only 7 of the 25 awards to "Indian Programs" went to the Indian colleges listed in Table One; four of the majority institutions who received money are affiliated with the Table's Indian colleges, and these arrangements had Indian participation. As

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Indian testimony in the Title III reauthorization noted, however, the bulk of this money designed to strengthen Indian colleges is being administered by majority institutions (Nichols, 1979; Bad Wound, 1980). Thus, Congress had the Title III Indian experience in mind in making provisions for general grants, but with additional safeguards to ensure Indian control.

Definitions

These safeguards took the form of specific definitions and requirements for Indian control, provisions that were more narrowly targeted than any existing Indian education legislation. For example, recently published rules and regulations for the Indian Education Act defined an "Indian institution" as a "(postsecondary school) that -- (1) Is established for the education of Indians; (2) Is controlled by a governing board, the majority of which is Indian; and (3) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation."[3/] Under the terms of the Tribally Controlled Community College Assistance Act, stricter definitions were drawn as only one sector of Indian colleges was targeted: tribally controlled community colleges, except Navajo Community College, which has its own federal legislation.[4/] Any eligible college is required to be "formally controlled, or... formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;" further, it "must be one which-- (1) is governed by a board of directors or board of trustees a majority of which

are Indians; (2) demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and (3) if in operation for more than a year, has students a majority of whom are Indians" (25 U.S.C. 1801; Sec. 103).

This requirement has had ironic consequences, for several colleges have altered their governance structure and have become tribal colleges, eligible for support under TCCCAA provisions. One such college was the College of Ganado, in Ganado, Arizona, on the Navajo reservation. Previously a private college affiliated with the United Presbyterian Church, the college has become a tribally-controlled community college of the Hopi Tribe, which resides within the reservation boundaries of Navajo Nation (Locke, 1978, p. 24). D-Q University, established as an Indian-Chicano college in Davis, California, is now chartered by the Hoopa Valley and Soboba tribes. In both instances, institutions with predominantly Indian student enrollments reconstituted themselves and secured tribal charters. In both instances, the rural isolation and college characteristics made such transformations possible and economical. This has been an unanticipated consequence of the Act, and tribal educators have predicted that several Indian or non-Indian colleges will alter their character to become eligible for Act funds. Congress should monitor this development closely to ensure that no "tribe shopping" occurs and that such reorganizations are genuine tribal initiatives in the best interest of the institutions and tribes. It should be recalled that many white institutions have taken "Indian program" initiatives to be eligible for Developing Institutions resources without altering their basic governance

structures, which rarely include Indians. Indeed, a 1976 survey of all two year college trustees noted that fewer than .2 of 1% were Indian (Grafe, 1976, pp. 4-5).

Another definition that has proven to have unanticipated consequences has been the definition, seemingly self-obvious, of "institution of higher education." The Act requires that eligible colleges be "institutions of higher education," in the commonly-understood and statutory meaning of the terms.[5/] However, as with other provisions of law, when applied to special populations-- in this case, Indian colleges-- the definition becomes less obvious, and may preclude the target population from being effectively served. P.L. 95-471 breaks down at this threshold point, for few tribally-controlled community colleges can meet the definitional tests of "institutions," notably in the requirements for accreditation status (see Table 1). In this case, Indian colleges find themselves in a classic Catch-22 situation: they are not eligible for Act money because they are not accredited, but they cannot secure accreditation without the development money and technical assistance promised in the Act.

Indian colleges, including tribal colleges, have found it difficult to negotiate the accreditation test of the "institution" definition, or to avail themselves of the statutory exceptions to the requirement. The first exception allows the Secretary of Education to waive the requirement if there is "satisfactory assurance" that the college is making progress towards accreditations; the second provision allows a college to secure three letters from accredited colleges indicating their willingness to

accept the unaccredited college's credits for transfer.[6] However, no regulations have been promulgated by the Department to guide the Secretary in this regard, and in the face of larger political battles over accreditation, the Department has not chosen to interpret the colleges' status generously (Finkin, 1973; Kaplin, 1978). Nor, inexplicably, have the colleges employed the "3 letter" rule to trigger the other exemption provision. All that would be required is to enlist three accredited institutions in order to have credits accepted for transfer, but such waiver has not been widely utilized by the tribal colleges; it may be that senior institutions are reluctant to jeopardize their own status and risk accepting the credits.

One provision of the "institution" language that was successfully tailored to meet tribal needs was a specific TCCCAA exemption from clause (2) of the requirement that "institutions" be "legally authorized within such State."[7] This was explicit recognition that tribes were independent governmental bodies, not subject to state licensing or governance authority. In sum, the definitions employed by Congress have had an uneven history of success in distinguishing Indian conditions from general postsecondary criteria, and in the important area of accreditation, the ostensibly-simple "institution" definition has proven to be a major design flaw.

Technical Assistance Contracts and Feasibility Studies

Congress, not willing to give money so easily to eligible tribal colleges, required that the Secretary of the Interior (to

whom the Bureau of Indian Affairs [BIA] reports) conduct "feasibility studies" to "determine whether there is justification to start and maintain a tribally controlled community college" (Sec. 105 b).[8/] The formats of these studies were designed by BIA staff and the Office for Management and Budget (OMB), and require completion of a feasibility study form 73 pages long, not including its required appendices. The "institution" definition has been strictly interpreted by OMB and the Bureau of Indian Affairs to require accreditation or candidacy as a measure of feasibility; the Bureau has added to the circularity of this requirement by noting that this criterion could be waived by the 3-letter rule --the accreditation waiver. Thus, the accreditation requirement has an added requirement of "feasibility", although accreditation standards are employed in determining feasibility. Unsuccessfully, Indian educators have argued that these dual requirements are redundant, and that a recognized accreditation status should be prima facie evidence of the college's feasibility (Clifford, 1980). BIA officials have conceded the difficulty in this dual proof, but have not devised a reduction in the paperwork required of the colleges.[9/]

As can be seen in Table 2, twenty tribal colleges have initiated feasibility studies, most of which have been conducted by Indian consultants under contract to the American Indian Higher Education Consortium (AIHEC), a Denver-based Indian technical assistance organization. Section 104 of the Act has an Indian preference provision: "In the awarding of contracts for techical assistance,

preference shall be given to an organization designated by the tribally controlled community college to be assisted." This arrangement, though unusual, is appropriate for colleges as unique and specialized as are Indian colleges. Therefore, regarding the feasibility studies, Congress and the administrators have been inconsistent: requiring extraordinarily high standards of eligibility and feasibility for Indian colleges, but allowing the colleges to approve their own technical assistance contractors. This curious ambivalence has been seen throughout the Act, giving with one hand and taking with the other.

The process that OMB and BIA have developed for feasibility studies is elaborate, requiring a request for the study; negotiation of a study team; conducting of a several-day site visit; report preparation; BIA review of the study; positive or negative feasibility determination by BIA; and eligibility for a grant application if the college is judged feasible. On the first attempt, seven colleges failed to win feasible status, and all filed appeals and requested additional review. The entire process, even with a positive initial review, can be time consuming, as Blackfeet Community College discovered. Filing a feasibility study request in June, 1979, they did not receive a determination until April 1980; it was not until June 6, 1980 that they received a grant award (Senate Hearing, 1980, p. 3).

This lag time, a chronic problem with many federal grants and contracts, is a particularly acute problem for Indian colleges for several reasons. First, these colleges have practically no financial

reserves, no endowment funds, no ability to cultivate property tax bases or state resources, and no economies of scale to tide them over during the waiting periods. Second, this lack of financial reserve is exacerbated by the expenses of maintaining small institutions located in rural, isolated areas, where essential materials and supplies are not routinely available. For instance, a 1974 study undertaken by Navajo Community College found that building costs in Tsaile, Arizona were 30% higher than in Albuquerque, New Mexico (Senate Hearing, 1976, pp. 229-231); Alaskan costs would also be disproportionately higher for similar reasons of isolation and distance from suppliers. Finally, the schools have such small enrollments that the amount per FTE student, while seemingly high, is insufficient to enable the colleges that eventually do receive the money to establish programs and stabilize their operations, particularly capital plant needs. The Senate bill had proposed a flat grant of $125,000 and $5,850 per FTE student, but the final house version eliminated the grant provision and lowered the FTE award to $4,000.[10/]

The amount arrived at by the House committee exemplifies the curious way in which Indian legislation is drafted and the majority assumptions that usually prevail. The House report indicates that the per-FTE student amount was determined in order to approximate Haskell Indian Junior College FTE costs, judged to be $4,310 in 1977 (House Report, 1978, p. 10). This approximation was inappropriate for obvious reasons, including Haskell's already-completed plant, mature curriculum, large size, and federal investments since

1968 in the establishment of the College; newer institutions, reliant upon scarce tribal resources rather than federal start-up support, require more resources than Haskell did as its well-established high school was expanded into a junior college. Moreover, the Haskell approximation was itself adjusted downward from its actual $5,050 FTE appropriation, to take into account the less comprehensive nature of the tribal colleges,[11/] so the colleges actually would receive $1000 less per FTE student than does the well established Haskell. Finally, 1977 indices, unadjusted for 1981 appropriations, will strike these colleges particularly hard for cost reasons already noted.

A final provision under Section 105 is the authorization for the Secretary of Interior to pay for the feasibility studies. The Secretary can finance them through general departmental administrative funds or through dipping into a setaside of 10% of the TCCCAA grant funds; this provision would allow the feasibility studies to be financed by the funds intended to go to the institutions determined to be eligible. This provision is unusual not only because such administrative studies appear to be envisioned as required "technical assistance" under Section 104 and have a separate authorization (under Sec. 109 [a]2), but because the Bureau has a larger administrative trust responsibility to provide technical assistance to Indian tribes under the Indian Self-Determination and Education Assistance Act programs. The administrative cost and contract provisions of this Act spell out in considerable detail the Bureau's responsibility for providing technical assistance,

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and there is no indication in this legislation or its regulations that funds for such activities are to come from Indian program funds.[12/] Although the delays in screening and certifying eligible institutions have meant that drawing from the program funds did not pose a threat in the first year (1979-80), the decline in appropriations and increase in program outlays have already threatened institutional entitlements.

Effect Upon Other Programs

In order to preclude federal agencies from playing a shell game with Indian funds by substituting TCCCAA money for other funds for which tribal colleges were eligible, Congress enacted Section 108, a prohibition on such a practice ("eligibility for assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance" from other federal programs). This section was added to ensure that the TCCCAA entitlement funds would supplement and not supplant resources received by the colleges (Senate Report, 1977, p. 10; House Report, 1978, p. 16). Congress had reason to fear that agencies would attempt to supplant funds, both formally and informally.

Indian educators had noted the decline in Title III funds to Indian programs (Nichols, 1979; Factbook, 1978, pp. 88-90), and were concerned that the Title III staff would view TCCCAA funds as an opportunity to reduce Indian resources even further. Congressional

hearings and testimony from Title III administrators gave additional evidence that such a tradeoff might occur, for the officials testified against the bill and urged instead that the resources be added to the Title III program for its categorical awards to developing institutions (House Hearings, 1978, pp. 144-150). Congress was justifiably skeptical of the program's claim that more money given to it would meet the long term stabilization needs of Indian colleges, when only seven tribal colleges received such competitive awards for the 1979 fiscal year (Olivas, 1981).

A more formal shell game is evident in the BIA's method of "band-analysis," a fiscal mechanism for funding tribal social programs. This mechanism, itself an antiquated and inefficient appropriations device, has been employed by the BIA to supplant tribal higher education funds in anticipation that tribes will receive TCCCAA funds -- a practice that appears to be prohibited both by Section 108's provisions and by congressional intent. The band analysis method is a budget process in which a tribe submits a budget request and the BIA approves certain tribal expenditures; each categorical entry (housing, health, elementary education, higher education) approved is a "band," or percentage of the final annual BIA appropriation to the tribe. Because tribal administrators are subject to BIA internal budget politics (including antagonism towards non-BIA Indian institutions) and delays, the tribes themselves cannot plan in advance, and have no flexibility to rearrange budget expenditures among the "bands." Thus, tribal colleges who do seek to stabilize their BIA funding must trade off

among other categories; in fact, Navajo Community College sought and received legislative exemption[13] to remove its appropriations from the band analysis method. The Senate Report noted, "It can be stated fairly certainly that the funding provided by the Bureau to these colleges is inadequate and unstable due to the nature of the band analysis proces itself" (Senate Report, 1977, p. 6).

Although Congress specifically directed that band funds not be diminished in anticipation of TCCCAA, this is exactly what has happened. In the case of Navajo Community College, as noted, separate legislation was enacted to negotiate the situation, but not until several years of such BIA tradeoffs had elapsed, seriously jeopardizing the development of the first tribal college.[14] For other tribal colleges on the band analysis, the situation has been equally serious, with no individual institututional legislative relief. For example, band money for Sinte Gleska, Oglala Sioux, and Turtle Mountain Community Colleges was removed when the three colleges were found to be feasible for TCCCAA eligibility. Only in May, 1980, the end of the 1979-80 school year, did BIA rescind its action; not until 1981-82 did BIA supplement the TCCCAA fund request and comply with the no-penalty provisions of the law.[15]

Other Fiscal Considerations

Sections 109 and 110 include authorization language for appropriations, including a separate provision, noted earlier, for technical assistance. Anticipating that no schools would be found

feasible or eligible, Congress did not authorize any funds to be appropriated until fiscal year 1979 (October 1, 1979).[16/] Congress also constructed an elaborate scheme for pro-rata increases or decreases in the FTE formula, contingent upon appropriations levels. However, there are internal inconsistencies and conflicting directions within these provisions and other TCCCAA sections.

The grant adjustments, for instance, appear to allow more than the $4,000 per FTE allotment: "Sums appropriated in excess of the amount necessary to pay in full such total eligible amounts shall be allocated by ratably increasing such total eligible amounts" (Sec. 110a) [emphasis added]. Yet Section 110(b) takes a different tack, stipulating "no grant recipient shall receive, as a result of such reallocation, more than the amount provided for under section 106(a) of this title." The regulations promulgated by BIA for the administration of these disbursements do not entirely clarify the rollback provisions:

> If with respect to any academic year the amounts of financial assistance hereunder have been ratably reduced as provided in subsection (d)(3) of this section and additional funds have not been appropriated to pay the full amount of such reductions on or before June 1st. of such year, the Director of Education shall notify each Community College of such fact in writing, and each Community College shall report in writing to the Director of Education on or before July 1st. of such year the amount of unused portion of received funds. The total of such reported unused portions of received funds shall be reallocated by the Director of Education in proportion to the amount of financial assistance to which each Community College is entitled under subsection (d) but which has not been provided due to the ratable reductions provided for therein, (except that no Community College shall receive more than the total annual cost of the education programs provided by such College)

and payments shall be made reflecting such reallocations on or before August 1st. of such academic year. (25 CFR 32 b. 8 f)

As with the band analysis, it will be difficult for tribes to plan budgets and commit themselves to expenditures when complex and contradictory regulations prevail. Although the TCCCAA was enacted to provide a stable flow of resources to these colleges, the band analysis, rollback provisions, and pro-rata negotiation terms do not allow such stability; in the first year of funding, the colleges received $3421 per FTE student, almost $600 less per FTE than the law mandates. As noted in Table 3, the BIA is only requesting $6,157,000 for Fiscal Year 1982 -- $3,444 per FTE. Therefore, in the first year, the colleges received less than their full share, and the BIA budget request for the second year asks for less than full share.[17/] Moreover, the special legislation secured by Navajo Community College guaranteed the full $4000 for each FTE NCC student, restricting the amount of money available to the other tribal colleges. The BIA has acknowledged that such a budgeting procedure is unfair to the remaining colleges, but has not requested separate appropriations that would enable them to budget separately -- even though the law appears to require such separate line items.[18/]

Additionally, the small size of the colleges and high Indian student attrition combine to make it difficult to plan and stabilize college programs under the TCCCAA formulae. The FTE

determination has been spelled out in the regulations (25 CFR 32b.8d 1), and employs a formula designed to account for attrition during the year:

$$\$4000 \times \frac{\text{FTE}_{\text{Term 1}} + \text{FTE}_{\text{Term 2}} + \ldots \text{FTE}_{\text{Term N}}}{N}$$

(Indian FTE = FT + PTCR/12)

where FT = full time Indian students carrying 12 or more credit hours at the end of the sixth week of the academic term,

PTCR = number of credit hours for which part-time Indian students are registered at the end of the sixth week of an academic term (25 CFR 32b. 3g).

While attrition at large colleges is a major problem for institutional planners, the tribal college enrollments are so small that even small attrition rates make a significant difference in their TCCCAA entitlement. The sixth-week determination for the first-term formula poses planning problems, as resources to be used for retaining students (counseling, financial aid administration, academic advising) have been delayed. In this sense, the delays in the funding have directly contributed to the attrition, which in turn has led to reduced FTE funding (Clifford, 1980).

Reporting Requirements

The TCCCAA mandated four reports or studies as well as the required rules and regulations. As with other provisions of this

law, BIA has a poor record in meeting these requirements. The reports on facilities mandated under sections 111 and 112 were not completed by the deadline dates (January 17, 1979 and November 1, 1979), but were made available in late summer, 1980. Section 106 (e) requires the Secretary of Interior to report annually to Congress on the status and needs of the tribal colleges; in the three years since the law was enacted, no report has been made. Of course, the delays in administering feasibility studies made such a report difficult, and any candid report would have surely reflected badly upon BIA and OMB. However, an important component of the mandate was the Secretary's "recommendations for needed action," which could have touched upon design flaws and acknowledged difficulties such as BIA officials were conceding elsewhere in congressional testimony. Finally, under section 107(c)2, the Secretary is to collaborate with the National Center for Education Statistics in order to establish a fiscal data collection system: this system has not been established, even through the feasibility studies have been available to provide baseline data. Although BIA estimates indicate that the $4000 allocations may be too low, they requested less than that amount for 1982, without the required fiscal data system.[19/] In sum, reporting requirements have not been met, even in fundamental data categories crucial for planning activities and appropriations.

Miscellaneous Provisions

Section 113 precludes participation by Navajo Community College in the TCCCAA, owing to the prior legislation enacted for NCC,

reconstituted as Title II of the TCCCAA, the Navajo Community College Assistance Act of 1978 (25 USC 640a). Additional provisions include specific anti-discrimination language, prohibiting recipient colleges from denying admission to non-tribal Indians, and general provisions for repayment of funds by institutions violating this policy. Although the legislative history and hearing record do not suggest why such a provision was deemed necessary, discussion with congressional staff noted that some acrimony had been evident between AIHEC institutional members and other Indian educators, and that this provision was in response to such disagreements.[20/]

The provisions for promulgating rules and regulations were not unusual, and ordered the requisite posting of proposed rulemaking and final promulgation within ten months. The Department was only slightly behind schedule in this process, with final regulations published in the November 21, 1979 Federal Register.[21/] Department officials were also required to meet with national Indian organizations, a requirement met by BIA's convening of a task force of Indian educators (Senate Hearing, 1980, pp. 3-4).

Proposed Amendments to PL 95-471

An amendment to the Act (S. 1855) was passed by the Senate on January 25, 1980 and referred to the House Committee on Education and Labor on January 29; it was referred to the Subcommittee on Postsecondary Education, where it remained until the Congress adjourned for the year.[22/] The amendment clarifies the Indian

eligibility requirement but, curiously, it further complicates the accreditation issue, for it restores portions of the redundant accreditation waiver provisions incorporated in the statutory definition of "institution of higher education," and gives the Secretary of the Interior (not the Secretary of Education) the authority to determine reasonableness of the colleges' efforts toward accreditation. This provision, if it were to be adopted, would further complicate the accreditation provisions, for a memorandum of agreement would have to be drafted between Interior and Education to utilize the eligibility staff of the Department of Education, adding yet another layer of administration. A more reasonable legislative approach would employ the Act's present language and adopt accreditation or its waivers as evidence of feasibility for existing colleges.[23/] The amendment also increases authorization levels for technical assistance, and clarifies an ambiguity in the law (Sec. 104) that could have been construed to allow only accredited colleges to be eligible for the assistance; this clarification remains necessary, but BIA's corollary mandates to provide such services could be employed without altering the legislation.

The Subcommittee on Postsecondary Education, to whom the Senate amendments were sent, never scheduled hearings or took action on S. 1855. Almost two years later, when the 96th Congress ended, the amendments died. Discussions with congressional staff indicated that the inattention was due to pressing work on the legislation establishing the Department of Education and reauthorizing

the Higher Education Act; Indian educators, understandably more cynical, accuse the Congress of continued insensitivity toward Indian education.

Conclusions, Recommendations

It may have been a blessing in disguise that the House failed to act upon the Senate's amendments, for the changes failed to remedy the major design flaws in the TCCCAA, and such minor fine-tuning might have dissuaded Congress from taking any further comprehensive action to make the Act more responsive to the colleges' difficulties. The delays over the Act's first three years have meant that the institutions have lost valuable time in stabilizing their programs, and most of the colleges are financially even more precarious than they were at the time Congress was moved to legislative action. In one respect, the status of the colleges recently declared feasible may render moot many of the eligibility concerns; however, the uncertainty of the ineligible colleges' status, and the inadequacy of the financial provisions reveal major design problems that still remain. Moreover, major provisions of the TCCCAA remain unfulfilled, and interagency cooperation remains an elusive goal. In each case of delay, reasonable administrative provisions could have been employed to resolve the problem. Unfortunately, the TCCCAA is, in many respects, all-too-typical an example of an Indian law administered against the best interests of its intended recipients.

The legislation will be reconsidered in 1982, as funds are authorized only through fiscal year 1981 (Sec. 109a 1). Therefore, those design flaws acknowledged by BIA and tribes can be addressed in further hearings; in particular, the feasibility of tribal colleges that remain ineligible can be examined. Financing provisions require considerable revision, not only because the colleges have never received their full share, but because BIA has not even requested the full share in the appropriations process. Even technical assistance, a BIA responsibility under TCCCAA and other Indian legislation, has been inadequate; indeed, the Bureau testified against increased technical assistance to the colleges.[24/] That the Act could provide too much money for technical assistance to these fledgling colleges seems a ludicrous claim, given the history of delays and neglect.

The delays have been due, in large part, to inter-agency disagreements and lack of coordination among the three lead offices: BIA, OMB, and the Department of Education. For example, OMB has been inflexible in its review of feasibility criteria, and has been unwilling to consider these colleges' characteristics as deserving special attention. Many Indian educators have blamed BIA for its lukewarm support of the TCCCAA, while others blame the new Department of Education for its footdragging.[25/] Both criticisms are accurate, for the BIA was not required to use accreditation as a feasibility criterion, and the Department of Education could have been more flexible in interpreting the colleges' progress toward accreditation. Indeed, the Department, in the absence of regulations

governing accreditation, could have employed the discretion accorded it in Title III, where accreditation requirements for Developing Institutions eligibility can be waived in special circumstances where Indian and Spanish speaking students will be served.[26/] In either case, the bureaucratic delays have frustrated the legislative attempts to create and enhance these Indian colleges.

The colleges, pressed for their survival, have not been able to convince Congress or the agencies that changes are necessary. AIHEC's recommendations have included clarification of definitions ("Indian," "institution," and "FTE"), acceptance of accreditation status as evidence of feasibility, restoration of tribal college band-analysis funds reallocated by BIA, incorporation of forward-funding provisions, and stabilization of funding patterns (Clifford, 1980). While these recommendations would surely improve the law and regulations, several problem areas remain. It is essential that BIA and NCES develop their required fiscal data-gathering system so that exact costs and an inflation index can be determined; once the costs are determined, more stable funding provisions will be possible. Congress surely cannot have intended for the funds to be as irregular and imprecise as they have been, the rollback provisions notwithstanding. Congress will also need to clarify the technical assistance provisions and to determine whether program funds should be used for technical assistance when corollary Indian legislation (e.g., the Indian Self Determination Act) already requires BIA assistance to tribes. At the least, Congress should fully fund the program so that the dollars per FTE are

available; additionally, BIA should request full funding rather than ask for less money than is required to serve the eligible students. BIA should also seek the money necessary to build the facilities acknowledged to be necessary for the colleges.

There has been no coordination of administrative efforts to improve the situation for the tribal colleges, and BIA, the lead agency, has not been effective in pressing OMB and the Department of Education for streamlining procedures. Although most of the colleges have negotiated the complex TCCCAA procedures, several have not been declared feasible. BIA and the Department of Education should concentrate upon these colleges and upon the new institutions established by tribes. Moreover, the Department of Interior should take seriously its required annual report. It is unclear why Congress has not pressed for this mandated study, when design flaws and bureaucratic delays have been so obvious, especially in BIA's supplanting of band funds. If Congress is serious about developing tribal colleges and Indian self determination, it would consider the provisions of TCCCAA that have proven troublesome and would fully fund the program. If Interior and BIA took their trust responsibilities more seriously, they would not have administered the Act as slowly and badly as they have. After nearly three years, it is not clear to observers whether tribal colleges will survive the legislation enacted and administered on their behalf.

REFERENCES

Badwound, E. Testimony before U.S. Senate. In Senate Hearing, 1980, 18-32.

Chavers, D Indian Education: Failure for the Future? American Indian Law Review, 1974, 2, 61-84.

Chavers, D. Perilng Indians' Education. New York Times, 24 March 1981, A-19.

Clifford, L. Testimony before U.S. Senate. In Senate Hearing, 1980, 9-18.

Deloria, V. Legislation and Litigation Concerning American Indians. Annals of the American Academy of Political and Social Science, 1978, 436, 86-96.

Factbook of BHCE Programs, 1978. DC: Bureau of Higher and Continuing Education, 1978.

Finkin, M. Federal Reliance and Voluntary Accreditation: The Power to Recognize as the Power to Regulate. Journal of Law and Education, 1973, 2, 339-376.

Grafe, G. The Trustee Profile of 1976. DC: American Association of Community College Trustees, 1976.

Kaplin, W. The Law of Higher Education. San Francisco: Jossey-Bass, 1978.

Locke, P. A Survey of College and University Programs for American Indians. Boulder: Western Interstate Commission for Higher Education, 1978.

Middleton, L. Indian Tribal Colleges Accuse U.S. Bureaucrats of Delaying $85 Million Congress Authorized. Chronicle of Higher Education, 11 February 1980, 1, 12.

Morris, L. Elusive Equality. DC: Howard University Press, 1979.

Nichols, R. Testimony before the House Subcommittee on Postsecondary Education, Hearings on Title III of the Higher Education Act, 29 March 1979.

Olivas, M. Indian, Chicano, and Puerto Rican Colleges: Status and Issues. Bilingual Review/Revista Bilingue, 1981, 1, 100-145.

Rudolph, F. The American College and University, A History. NY: Vintage, 1962.

Turner, W. and J. Michael. Traditionally Black Institutions of Higher Education: Their Identification and Selected Characteristics. DC: National Center for Education Statistics, 1978.

U.S. House of Representatives. Hearing before the House Subcommittee on Postsecondary Education of the Committee on Education and Labor (House Hearing, 1977).

U.S. House of Representatives. Hearings before the House Subcommittee on Postsecondary Education of the Committee on Education and Labor (House Hearings, 1978).

U.S. House of Representatives. Report on H.R. 9158 (House Report, 1978).

U.S. House of Representatives. Conference Report on H.R. 5192 (House Conference Report, 1980).

U.S. Senate. Hearing before the Senate Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs (Senate Hearings, 1976).

U.S. Senate. Report on S. 1215 (Senate Report, 1977).

U.S. Senate. Report on S. 1855 (Senate Report, 1979).

U.S. Senate. Hearing before the Senate Select Committee on Indian Affairs (Senate Hearing, 1980).

Van Amringe, J. et al. A History of Columbia University, 1754-1904. NY: Columbia University Press, 1904.

FOOTNOTES

1. Table One could have included several more institutions, but adequate information was not available: Tanana Land Claims College, Ojibwa College, United Tribes Educational Technical Center, Gila River Community College.

2. 20 U.S.C. 1051-1056.

3. 86 Stat. 334 (as amended); the regulations will be recodified under 34 C.F.R., replacing the 45 C.F.R. regulations. See Federal Register, 21 May 1980, p. 34153; 20 U.S.C. 241 (a)(a).

4. Navajo Community College Assistance Act of 1978, 25 U.S.C. 640 (a); Amendments to the Navajo Community College Act [sic], Education Amendments of 1980, Title IXV, Part F, Sec. 1451.

5. 25 U.S.C. 1801; 20 U.S.C. 1141.

6. Higher Education Act of 1965, Title XII, Sec. 1201 (a)(5); 20 U.S.C. 1141. Anticipating that the unaccredited status of most Indian colleges would cause eligibility problems, the drafters of the original Tribally Controlled Community College Act bill (which had been proposed as an amendment to the Indian Self Determination Act) had incorporated the two exceptions into the bill. The legislation that emerged, however, simply incorporated the definition language, eliminating the redundant exemption references.

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7. 25 U.S.C. 1801.

8. The Senate bill had no such requirement. Senate Report, 1977, Sec. 105d.

9. 25 C.F.R. 32b. See Federal Register, 21 November 1979, pp. 67040-67048. See also the testimony of E. Barlow, BIA, in Senate Hearing, 1980, pp. 6-7.

10. Compare Senate Report, 1977, pp. 3, 10 to House Report, 1978, pp. 10, 16. See Sec. 107 (25 U.S.C. 1808).

11. House Report, 1978, pp. 9-10. Although the Report refers to "more conclusive" services, the context suggests "comprehensive" was intended.

12. 25 U.S.C. 450f; 25 C.F.R. 271.

13. House Hearing, 1977; Education Amendments of 1980, Title XIV, Part F, Sec. 1451; House Conference Report, 1980, p. 209.

14. House Conference Report, 1980, pp. 205-206; House Report, 1978, p. 17; Senate Report, 1977, p. 7; Senate Hearing, 1980, p. 60.

15. Badwound, 1980, pp. 18-31. This testimony also includes a letter from the Department of Interior clarifying the Department's error (p. 32).

16. See Table 3.

17. And as noted earlier, these figures were based upon low rough estimates of Haskell's costs.

18. See BIA testimony, Senate Hearing, 1980, pp. 1-9. Additionally no indirect costs are allowed in this formula, which makes it difficult for tribes to establish an indirect cost rate for doing business with other government agencies. See Senate Hearing, 1980. p. 18.

19. BIA testimony, Senate Hearing, pp. 5-6. In a January 1981 letter to the author, the Assistant Secretary for Education Research and Improvement (to whom NECES reports) indicated that the system was ready for collecting the required data.

20. Of course, majority institutions are never required to abide by such prohibitions. For an example of the type of acrimony to which the Congress may have had in mind, see the letter from the College of Ganado, Senate Hearing, 1980, p. 70.

21. Federal Register, 21 November 1979, 67040-67048.

22. Senate Calendar, 24 September 1980, p. 199.

23. Congressional staffers have suggested that this reassignment was in anticipation of Higher Education Act reauthorization changes in Sec. 1201. These changes were not made in the final version of 1201.

24. "If all 21 [colleges] were to participate in $10 million worth of technical assistance funds, each college would average approximately $476,000 in [such] funds per year, an amount far in excess of that which can be utilized effectively." Letter from Forrest Gerard, Assistant Secretary, Department of the Interior, to Senator John Melcher, 21 November 1979, Senate Report, 1979, p. 5.

25. Middleton, 1980, pp. 1, 12; Senate Hearing, 1980; Higher Education Daily, 12 June 1980, pp. 5-6.

26. Higher Education Act, Title III, Sec. 302 (a)(2). The newly-reauthorized Education Amendments of 1980 have widened the waivers to include rural students, low-income individuals, and black students. Title III, Part D, Sec. 342 (b)(1-5); House Conference Report, 1980, p. 164.

Appendix A

APPENDIX A. LEGISLATIVE HISTORY OF TRIBALLY CONTROLLED COMMUNITY COLLEGE ASISTANCE ACT OF 1980

- 6 November 1975: S. 2634 introduced by Senators Abourezk and McGovern.
- 15 March 1976: Hearing before the Senate Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs (Senate Hearing, 1976).
- 29 September 1976: S. 2634 redrafted, submitted as S. 3850.
- 21 February 1977: S. 3850 redrafted, submitted as S. 1215 by Senators Abourezk, Burdick, Gravel, DeConcini, Jackson.
- 28 July 1977: Hearing before the Senate Select Committee on Indian Affairs (Senate Hearing, 1977)
- 16 September 1977: H.R. 9158 introduced by Representatives Blouin and Quie.
- 13 October 1977: Hearing before the House Subcommittee on Postsecondary Education of the Committee on Education and Labor (House Hearing, 1977).
- 1 November 1977: Senate Report on S. 1215 (Senate Report, 1977).
- 4 November 1977: Senate considers and passes S. 1215.
- 18 May, 14 June 1978: Hearings before the House Subcommittee on Postsecondary Education of the Committee on Education and Labor (House Hearings, 1978).
- 11 September 1978: House Report on H.R. 9158 (House Report, 1978).
- 26 September 1978: House considers and passes H.R. 9158. Passage is vacated while amended S. 1215 is passed in lieu.
- 3 October 1978. Senate concurs in House amendment.
- 17 October 1978. P.L. 95-471 signed by President Carter (Comp. Pres. Doc., 14, No. 41).
- 15 December 1979: S. 1855, amending TCCCAA, reported by Senator Melcher (Senate Report, 1979).
- 25 January 1980: S. 1855 passed by Senate; referred to House Committee on Education and Labor.
- June 1980. First tribal colleges receive TCCCAA operating funds.
- 10 June 1980. Hearing before Senate Select Committee on Indian Affairs (Senate Hearing, 1980).

Appendix B

Public Law 95-471
95th Congress

An Act

To provide for grants to tribally controlled community colleges, and for other purposes.

Oct. 17, 1978
[S. 1215]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tribally Controlled Community College Assistance Act of 1978".

Tribally Controlled Community College Assistance Act of 1978.
25 USC 1801 note.

DEFINITIONS

25 USC 1801.

(1) "Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior;

(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(4) "tribally controlled community college" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

(5) "institution of higher education" means an institution of higher education as defined by section 1201(a) of the Higher Education Act of 1965, except that clause (2) of such section shall not be applicable;

20 USC 1141.

(6) "national Indian organization" means an organization which the Secretary finds is nationally based, represents a substantial Indian constituency, and has expertise in the field of Indian education; and

(7) "full-time equivalent Indian student" means the number of Indians enrolled full-time, and the full-time equivalent of the number of Indians enrolled part-time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by twelve) in each tribally controlled community college, calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term.

TITLE I—TRIBALLY CONTROLLED COMMUNITY COLLEGES

PURPOSE

25 USC 1802.

SEC. 101. It is the purpose of this title to provide grants for the operation and improvement of tribally controlled community colleges to insure continued and expanded educational opportunities for Indian students.

GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES

SEC. 106. (a) Grants shall be made under this title only in response to applications by tribally controlled community colleges. Such applications shall be submitted at such time, in such manner, and will contain or be accompanied by such information as the Secretary may reasonably require pursuant to regulations. The Secretary shall not consider any grant application unless a feasibility study has been conducted under section 105 and it has been found that the applying community college will service a reasonable student population. 25 USC 1807.

(b) The Secretary shall consult with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to determine the reasonable number of students required to support a tribally controlled community college. Consideration shall be given to such factors as tribal and cultural differences, isolation, the presence of alternate education sources, and proposed curriculum.

(c) Priority in grants shall be given to institutions which are operating on the date of enactment of this Act and which have a history of service to the Indian people. In the first year for which funds are appropriated to carry out this section, the number of grants shall be limited to not less than eight nor more than fifteen.

(d) In making grants pursuant to this section, the Secretary shall, to the extent practicable, consult with national Indian organizations and with tribal governments chartering the institutions being considered.

(e) The Secretary shall report to Congress on January 15 of each year the current status of tribally controlled community colleges and his recommendations for needed action. Report to Congress.

AMOUNT OF GRANTS

SEC. 107. (a) Except as provided in section 110, the Secretary shall, for each academic year, grant to each tribally controlled community college having an application approved by him, an amount equal to $4,000 for each full-time equivalent Indian student in attendance at such college during such academic year, as determined by the Secretary in accordance with such regulations as he may prescribe, except that no grant shall exceed the total annual cost of the education program provided by such college. 25 USC 1808.

(b) The Secretary shall make payments, pursuant to grants under this title, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

(c)(1) Each institution receiving payments under this title shall annually provide to the Secretary an accurate and detailed accounting of its operating and maintenance expenses and such other information concerning costs as the Secretary may request.

(2) The Secretary shall, in consultation with the National Center for Education Statistics, establish a data collection system for the purpose of obtaining accurate information with respect to the needs and costs of operation and maintenance of tribally controlled community colleges. The Secretary shall report annually to the Congress on such needs. Report to Congress.

GRANTS AUTHORIZED

25 USC 1803.

SEC. 102. (a) The Secretary is authorized to make grants pursuant to this title to tribally controlled community colleges to aid in the post-secondary education of Indian students.

(b) Grants made pursuant to this title shall go into the general operating funds of the institution to defray the expense of activities related to education programs for Indian students. Funds provided pursuant to this title shall not be used in connection with religious worship or sectarian instruction.

ELIGIBLE GRANT RECIPIENTS

25 USC 1804.

SEC. 103. To be eligible for assistance under this title, a tribally controlled community college must be one which—

(1) is governed by a board of directors or board of trustees a majority of which are Indians;

(2) demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and

(3) if in operation for more than one year, has students a majority of whom are Indians.

TECHNICAL ASSISTANCE CONTRACTS

25 USC 1805.

SEC. 104. The Secretary shall provide, upon request, technical assistance to tribally controlled community colleges either directly or through contract. In the awarding of contracts for technical assistance, preference shall be given to an organization designated by the tribally controlled community college to be assisted. No authority to enter into contracts provided by this section shall be effective except to the extent authorized in advance by appropriations Acts.

FEASIBILITY STUDIES

Agreement.
25 USC 1806.

SEC. 105. (a) The Secretary is authorized to enter into an agreement with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to assist the Bureau of Indian Affairs in developing plans, procedures, and criteria for conducting the feasibility studies required by this section. Such agreement shall provide for continuing technical assistance in the conduct of such studies.

Feasibility study.

(b) The Secretary, within thirty days after a request by any Indian tribe, shall initiate a feasibility study to determine whether there is justification to encourage and maintain a tribally controlled community college, and, upon a positive determination, shall aid in the preparation of grant applications and related budgets which will insure successful operation of such an institution.

(c) Funds to carry out the purposes of this section for any fiscal year may be drawn from either—

(1) general administrative appropriations to the Secretary made after the date of enactment of this Act for such fiscal year; or

(2) not more than 10 per centum of the funds appropriated to carry out section 106 for such fiscal year.

EFFECT ON OTHER PROGRAMS

25 USC 1809. Sec. 108. Except as specifically provided in this title, eligibility for assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

20 USC 1001 *et seq.*

APPROPRIATIONS AUTHORIZED

25 USC 1810. Sec. 109. (a) (1) There are authorized to be appropriated, for carrying out section 106, $25,000,000 for each of the fiscal years beginning October 1, 1979, and October 1, 1980, and $30,000,000 for the fiscal year beginning October 1, 1981.

(2) There are authorized to be appropriated $3,200,000 for each of such three fiscal years, for the provision of technical assistance pursuant to section 104.

(b) Unless otherwide provided in appropriations Acts, funds appropriated pursuant to this section shall remain available until expended.

(c) Nothing in this title shall be deemed to authorize appropriations for the fiscal year beginning October 1, 1978.

GRANT ADJUSTMENTS

25 USC 1811. Sec. 110. (a) If the sumn appropriated for any fiscal year for grants under this title are not sufficient to pay in full the total amounts which approved grant applicants are eligible to receive under this title for that fiscal year, the amounts which such applicants are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for the same fiscal year, such reduced amounts shall be increased on the same basis as they were reduced. Sums appropriated in excess of the amount necessary to pay in full such total eligible amounts shall be

allocated by ratably increasing such total eligible amounts.

(b) In any fiscal year in which the amounts for which grant recipients are eligible to receive have been reduced under the first sentence of subsection (a) of this section, and in which additional funds have not been made available to pay in full the total of such amounts under the second sentence of such subsection, each grantee shall report to the Secretary any unused portion of received funds ninety days prior to the grant expiration date. The amounts so reported by any grant recipient shall be made available for reallocation to eligible grantees on a basis proportionate to the amount wich is unfunded as a result of the ratable reduction, but no grant recipient shall receive, as a result of such reallocation, more than the amount provided for under section 106 (a) of this title.

REPORT ON CURRENT FACILITIES

Report to Congress.
25 USC 1812.

Sec. 111. The Secretary shall, not later than ninety days after the date of enactment of this Act, prepare and submit a report to the Congress containing a survey of existing and planned facilities of tribally controlled community colleges, including in his report a survey of Bureau of Indian Affairs existing and planned facilities which may be used for tribally controlled community colleges without disruption of current Bureau programs.

STUDY OF FACILITIES NEEDS

25 USC 1813

Sec. 112. The Secretary shall conduct a detailed survey and study of the academic facilities needs of tribally controlled community colleges and shall report to the Congress not later than November 1, 1979, the results of such a survey and study. Such report shall include any recommendations or views submitted by the governing body of any such college and by the governing body of the tribe, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need.

MISCELLANEOUS PROVISIONS

25 USC 1814

Sec. 113 (a) The Navajo Tribe shall not be eligible to participate under the provisions of this title.

(b) (1) The Secretary shall not provide any funds to any institution which denies admission to any Indian student because such individual is not a member of a specific Indian tribe, or which denies admission to any Indian student because such individual is a member of a specific tribe.

(2) The Secretary shall take steps to recover any unexpended and unobligated funds provided under this title held by an institution determined to be in violation of paragraph (1).

RULES AND REGULATIONS

25 USC 1815

Sec. 114 (a) Within four months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national Indian organizations to consider and formulate appropriate rules and regulations for the conduct of the grant program established by this title.

Publication in Federal Register

(b) Within six months from the date of enactment of the Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(c) Within ten months from the date of enactment of this Act, the Secretary shall promulate rules and regulations for the conduct of the grant program established by this title.

(d) Funds to carry out the purposes of this section may be drawn from general administrative appropriations to the Secretary made after the date of enactment of this Act.

Table 1

INDIAN COLLEGES

College [Affiliated Institution] (State)	Public/ Private 2 yr/4yr	1979 Accred. Status	BIA/ Tribal Affiliation
Bacone College (OK)	Priv, 2	1	-
Blackfeet Community College (MT) [Flathead Valley CC]	Publ, 2	4	Blackfeet
Cheyenne River Community College (SD) [Northern State C]	Publ, 2	4	Cheyenne River Sioux
College of Ganado (AZ)	Priv, 2	1	Hopi
Dull Knife Memorial College (MT) [Miles C]	Publ, 2	4	Northern Cheyenne
Flaming Rainbow University (OK)	Priv, 2	4**	-
Fort Berthold College Center (ND) [Mary C]	Priv, 2	4	Mandan, Hidatsa, Arikara
Fort Peck Community College (MT)	Publ, 2	4	Assiniboine and Sioux
Haskell Indian Junior College (KS)	Publ, 2	1	BIA
Hehaka Sapa College at D-Q University (CA)	Priv, 2	1	Hoopa Valley, Soboba
Institute of American Indian Arts (NM)	Publ, 2	2	BIA
Inupiat University (AK)	Priv, 4	2	Inupiaq Eskimo
Little Bighorn Community College (MT) [Miles C]	Publ, 2	4	Crow
Litt e Hoop Community College (ND) [Lake Region JC]	Publ, 2	4	Devil's Lake Sioux
Lummi School of Aquaculture (NA) [Whatcom CC]	Publ, 2	3	Lummi
Native American Educational Services (IL)	Priv, 4	2	-
Navajo Community College (AZ)	Publ, 2	1	Navajo
Navajo Community College Branch (NM) [Navajo CC]	Publ, 2	3	
Nebraska Indian Community College (NE) [Northeast Technical C]	Publ, 2	4	Santee Sioux, Omaha, Winnebago
Nebraska Indian Satellite Community College (NE) [Nebraska Indian CC]	Publ, 2	3	
Oglala Sioux Community College (SD)	Publ, 2	4**	Oglala Sioux
*Pembroke State University (NC)	Publ, 4	1	-
Salish-Kootenai Community College (MT) [Flathead Valley CC]	Publ, 2	4	Salish, Kootenai
Sheldon Jackson College (AK)	Priv, 4	1	-
Sinte Gleska College (SD)	Priv, 4	2	Rosebud Sioux
Sisseton-Wahpeton Community College (SD)	Publ, 4	4	Sisseton-Wahpeton Sioux
Southwestern Indian Polytechnic Institute (NM)	Publ, 2	1	BIA
Standing Rock Community College (ND)	Priv, 2	2	Standing Rock Sioux
Turtle Mountain Community College (ND) [North Dakota State U at Bottineau]	Publ, 2	2	Turtle Mountain Chippewa

* Formerly Pembroke State College for Indians.

** Not listed in Accredited Postsecondary Institutions (September 1, 1979), but listed as having preaccredited status in Education Directory (May, 1980).

Accreditation Key: 1) Accredited
2) Preaccredited
3) Branch or extension campus
4) Unaccredited

Table 2

PROCESS FOR FEASIBILITY STUDIES AND GRANT APPLICATIONS

School	(6-79/4-80) Feasibility Study Request	(3-2/) Feasibility Study	(3-2/ Review of Study	Determination (4/)-	FY 1980 Grant Application	FY 1980 Grant Determination (w/in OIEP)	FY 1980 Grant Awards	FY 1981 Grant Application	FY 1981 Review of Application	FY 1981 Grant Determination	FY 1981 Grant Award
Ojibwa CC	7/15/80	8/26/80	9/18/80	N 9/18/80	5/29/80	6/16/80	6/24/80	8/1/80	9(8-12)80	10/24/80	11/7/80
Nebraska Indian C.C.	12/4/79	3/9-15	4/9/80	P 5/1/80	3/28/80	4/30/80	5/20/80	7/3/80	9(15-20)80	10/24/80	10/31/80
Blackfeet C.C.	6/18/79	3/16-22	4/7/80	P 4/8/80	5/15/80			7/24/80	10(15-20)80	10/16/80	10/27/80
College of Ganado	9/27/79	3/2-8	3/27/80	P 4/8/80							
Cheyenne River C.C.	8/11/79	4/14-16	5/6/80	N 5/9/80							
Dull Knife Memorial C.C.	12/7/79	3/9-15	4/3/80	P 4/9/80		5/19/80	6/12/80	8/7/80	9(16-20)80	10/24/80	11/7/80
Fort Berthold C.C.	3/ /80	4/28-30	6/23/80	N 6/25/80							
Gila River C.C.	12/14/79	4/23-25	5/16/80	N 5/20/80							
Hohaka Sapa C. at DQU	12/19/79	3/9-15	4/7-6/12/80	P 6/12/80	5/01/80	6/12/80	6/19/80	8/6/80	9(15-20)80	12/11/80	12/18/80
Inupiat University of the Artic	4/21/80	5/19-21	6/20/80	P 6/26/80							
Little Hoop C.C.	2/18/80	4/14-16	5/6/80	P 5/9/80	5/25/80	6/12/80	6/27/80	8/5/80	9(15-20)80	9/16/80	11/ /80
Lummi School	1/24/80	3/23-25	4/9/80	N 4/16/80							
Salish Kootenai C.C.	1/10/60	3/16-22	5/1/80	P 5/1/80		5/19/80	6/10/80	7/23/80	9(15-20)80		11/28/80
Sinte Gleska College	9/17/79	3/2-8	4/4/80	P 4/9/80	3/18/80	4/30/80	5/23/80	8/1/80	9(8-12)80	10/29/80	10/30/80
Sisseton-Wahpeton College Center	12/6/79	4/28-30	5/22/80	N 6/4/80							
Standing Rock C.C.	1/3/80	3/16-22	4/9/80	P 4/16/80	3/28/80	4/30/80	5/20/80	8/7/80	9(8-12)80	10/16/80	11/7/80
Turtle Mountain C.C.	6/24/79	3/2-8	3/27/80	P 4/1/80	4/22/80	5/01/80	5/20/80	8/9/80	9(8-12)80	10/16/80	11/7/80
Oglala Sioux C.C.	7/31/79	3/9-15	4/4/80	P 4/9/80	4/02/80	5/19/80	6/10/80	8/8/80	9(8-12)80	10/16/80	10/30/80
Little Big Horn C.C.	3/3/80	4/28-30	6/5/80	N 6/23/80							
Fort Peck C.C.	6/13/80	6/19-21	6/30/80	N 7/7/80							

	Neg. Det. 30 days	Appeal Date	Hearing Date	Determination	2nd Feasibility Cycle Feasibility Study Request	Feasibility Study	Review of Study	Determination
Lummi School of Aquat. and Fishing	4/28/80	6/05/80	7/15/80	N	9/17/80	1/81	1/23/81	P 2/2/81
Cheyenne River C.C.	5/19/80	6/25/80			10/10/80	Withdrew		
Gila River C.C.	6/20/80	7/27/80						
Sisseton-Wahpeton College Center	6/14/80	7/21/80			9/20/90	10/6/80	10/10-9/12	P 11/19/8
Little Big Horn C.C.	6/30/80	8/07/80	8/28/80	N				
Fort Berthold C.C.	6/30/80	8/07/80			8/6/80	9/25/80	10/14/80	P 10/16/8
Fort Peck C.C.	8/20/80	9/20/80	10/21/80			6/25/80	1/19/81	P 2/4/8

Table 3

TCCCAA APPROPRIATIONS

College	FY 1980 FTE	FY 1980 Grant	Estimate FY 1981 FTE	Estimate FY 1981 Grant	Estimate FY 1982 FTE	Estimate FY 1982 Grant
Standing Rock	111	$354,078	85	$290,985	120	$413,221
Blackfeet	83	264,761	199	680,779	199	685,259
Sinte Gleska	73	551,851	173	591,833	187	643,937
Turtle Mountain	107	341,318	107	366,047	128	440,769
Salish-Kootenai	90	287,079	125	427,625	125	430,439
*Ganado	131	156,287	82	280,522	82	282,368
Little Hoop	35	111,646	42	143,682	46	158,402
Sisseton-Wahpeton	-	-	66	225,786	66	227,272
D.Q. University	76	242,431	82	280,522	82	282,368
Ft. Berthold	-	-	38	129,998	38	130,853
Dull Knife	93	296,709	93	318,153	93	320,247
Oglala Sioux	282	833,703	214	732,094	214	736,911
Nebraska	109	329,453	106	362,974	118	406,335
Lummi Sch. Aqua. 1/					70	241,046
Little Big Horn 1/					110	378,786
Ft. Peck 1/					50	172,176
Cheyenne River 1/					60	206,611
Subtotal	1,290	$3,769,356 + 231,000*				
Title I		4,000,356	1,412	4,831,000	1,788	6,157,000
Navajo Community College 2/	1,600	6,405,000	793	3,172,000	793	3,172,000
Sinte Gleska 3/		358,300		136,500		136,500
Oglala Sioux 3/		117,180		133,000		133,000
Turtle Mountain 3/		93,700		80,500		80,500
Ganado 3/		506,000				
Subtotal-Title II and Snyder Act		7,480,180		3,522,000		3,522,000
Feasibility Studies		400,000		50,000		-
Technical Assistance		600,000		600,000		600,000
Total Estimate	2,890	12,249,536*	2,205	$9,003,000	2,581	$10,279,000

1/ Represents colleges which are expected to be declared feasible in FY 1982.
2/ Funds provided under Title II of P.L. 95-471.
3/ Supplemental funds under the Snyder Act in addition to funds made available under Title I above.

* Ganado received on emergency grant of 231,000 in 1980 which is not included in the budget figures.

Sources: 1981 and 1982 figures are from BIA actual requests
1980 awards are from BIA Office of Indian Education
1980 Navajo FTE is taken from Higher Education Daily, April 29, 1980, p.5.

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